

From: [linboth@molfinandblake.com](mailto:linboth@molfinandblake.com)  
To: [linboth@molfinandblake.com](mailto:linboth@molfinandblake.com)  
Cc: [linboth@molfinandblake.com](mailto:linboth@molfinandblake.com)  
Subject: Arden Arden, Marlene and Genevieve Arden Glen form and supporting docs - 750445  
Date: Tuesday, October 1, 2014 11:46:43 AM  
Attachments: [Arden Arden](#)  
[Marlene Arden](#)  
[Genevieve Arden](#)

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REF Arden Arden, Marlene & Genevieve Arden Marlene

Good Afternoon,

Please see attached our letter of representation along with the complete complaint form.

Please advise if anything else is needed.

Thank you.

Linboth Krava

Case Manager

Molfin & Blake, PLLC

912 W Maple Ave

Springdale, AR 72764

[linboth@molfinandblake.com](mailto:linboth@molfinandblake.com) <https://www.molfinandblake.com/>

P 479.750.2334 F 479.750.2335

Website: <https://www.molfinandblake.com/>

all-https://aka.ms/1-learnabout-smart-deliverables

Facebook: <https://www.facebook.com/molfinandblake/>

all-https://aka.ms/1-learnabout-smart-deliverables

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In compliance with requirements imposed by the IRS pursuant to IRS Circular 230, we inform you that any U.S. Tax advice contained in this communication (including attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

# ARKANSAS CLAIMS COMMISSION

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



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

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

## CLAIM FORM

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

<u>Mrs</u>	<u>Aviles Martinez</u>	<u>Andrea Cristina</u>	<u>N/A</u>
(title)	(last name/name of company)	(first name)	(email)
<u>[REDACTED]</u>			
(address)			
<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
		(zip)	

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.

<u>Attorney Mullins</u>	<u>Bradley</u>	<u>bradley@mullinsandblake.com</u>
(title)	(last name)	(email)
<u>802 W Maple Ave</u>		<u>2012176</u>
(address)		(AR bar number)
<u>Springdale</u>	<u>AR</u>	<u>72764</u>
(city)	(state)	(zip)
		<u>(479)750-2334</u>
		(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 State Police

4. **Date of Incident** 9/14/2024

5. **Location of Incident** W. Huntsville Ave

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.

Andrea Aviles Martinez was passing through a greenlight, when she was tboned by the state trooper, who ran a red light.

- 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 the incident, **CHECK HERE.**

- 10. Additional Required Documents for Property Damage Claims.** 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 in this incident,** please provide the following information:

2023 Dodge Charger		Tyler Smith
(type of state vehicle involved)	(license number)	(driver)

- 12. CHECK HERE** if this claim involves **personal injuries.**

- 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, **CHECK HERE.**

- 14. Amount of Damages, if known:** \_\_\_\_\_

#### 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](http://arclaimscommission.arkansas.gov)). The Arkansas Rules of Civil Procedure can be found online ([arcourts.gov](http://arcourts.gov)) under "Info & Resources."

**STOP HERE!**

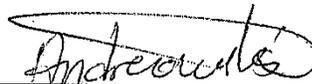
This signature page must be completed in the presence of a Notary Public. Do not sign until you are directed to do so by the Notary Public. If there is more than one claimant involved in this claim, each claimant must complete a separate signature page.

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.

**Signature Page for Claim Filed by an Individual Claimant**

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 Arkansas  
County of Washington

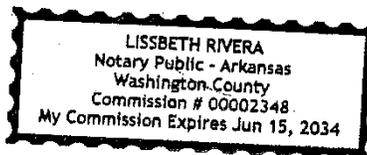
On this the 30 day of September, 2024, before me, the undersigned notary, personally appeared Andrea Aviles Martinez known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

  
Signature of Notary Public

[seal of office]

My Commission Expires: June 15, 2034





MULLINS & BLAKE  
ATTORNEYS

Please Direct Mail To:

802 W. Maple Ave  
Springdale, AR 72764  
P: (479) 750-2334  
F: (479) 750-2335

1420 S. 8<sup>th</sup> St  
Rogers, AR 72758  
P: (479) 335-5966

4516 Rogers Ave, Ste B-1  
Fort Smith, AR 72903  
P: (479) 434-1911

**Bradley Mullins, Esq**  
Licensed in Arkansas  
And Illinois  
Bradley@mullinsandblake.com

**Roxanne D. Blake, Esq**  
Licensed in Arkansas  
And Oklahoma  
Roxanne@mullinsandblake.com

**Jacob Pesicek, Esq**  
Licensed in Arkansas  
Jacob@mullinsandblake.com

**Mayra Palacios**  
Director of Operations  
Mayra@mullinsandblake.com

September 25, 2024

Arkansas State Claims Commission  
101 East Capitol Avenue, Suite 410  
Little Rock, AR 72201

Via Email: [ascc.new.claims@arkansas.gov](mailto:ascc.new.claims@arkansas.gov)

RE: Your Insured: Tyler Matthew Smith  
My Clients : Andrea Aviles Martinez &  
D.O.L.: [REDACTED]  
September 14, 2024

Dear Claims Department:

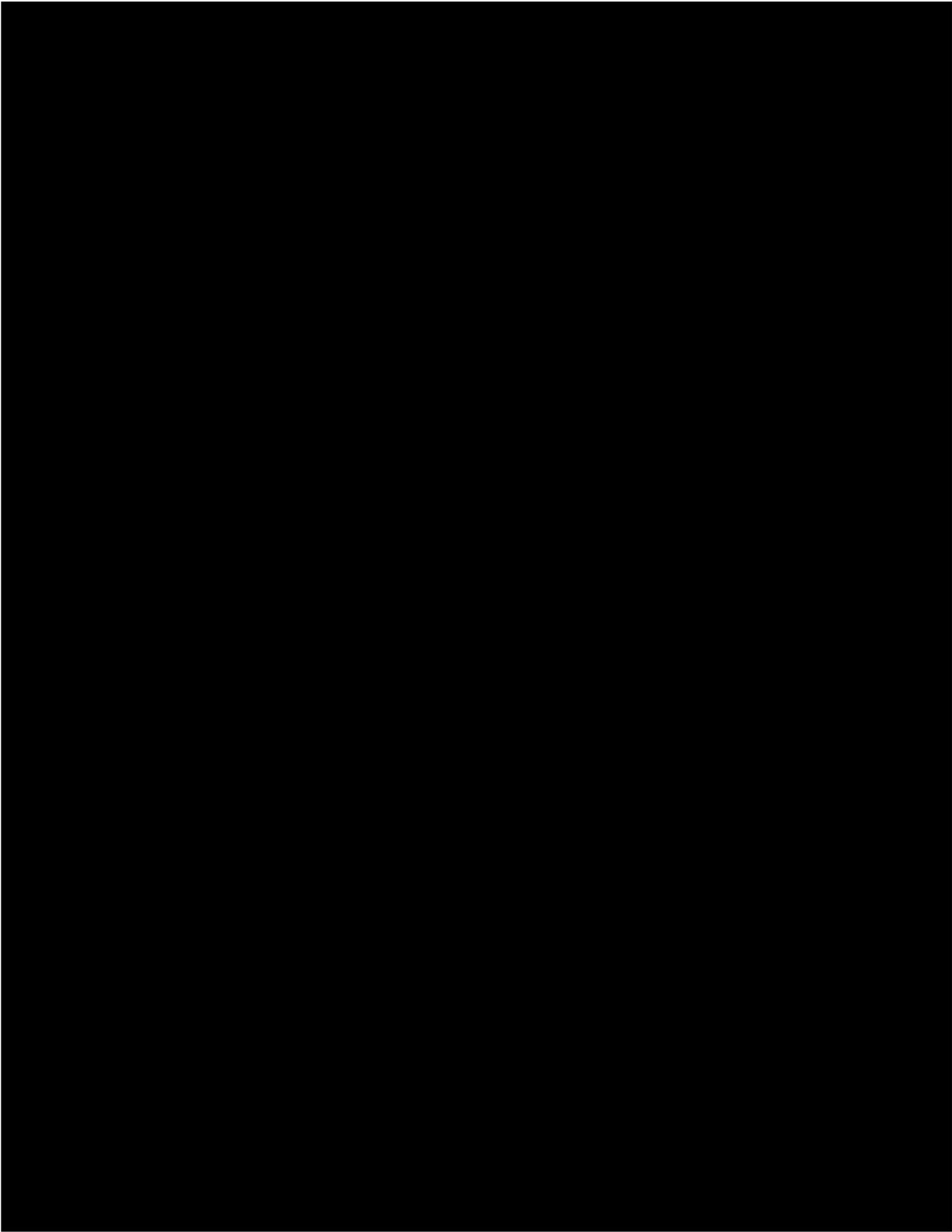
Please be advised that the above tort victims have retained this law firm to represent them for their tort claim resulting from the above-referenced auto collision. I have attached a copy of the collision report for your convenience. I would appreciate your assistance in forwarding all future correspondence to our attention at the above address. Furthermore, our clients expressly withdraw any authorizations or releases that they have previously signed. If you have taken our client's statements, please forward a copy to our attention at your earliest convenience. If you have not taken our client's statement, please advise in writing. In the event you have had the opportunity to photograph our client's vehicle, please make those photos available to me. Also, please advise the location of your insured's vehicle so that we may go and photograph immediately. If you do not allow us to photograph your insured's vehicle, our law firm will request an instruction on spoliation at trial. Please advise whether any other additional coverages may exist that would apply to my client in regards to this accident under the above-identified policy. Thank you for your attention to these matters.

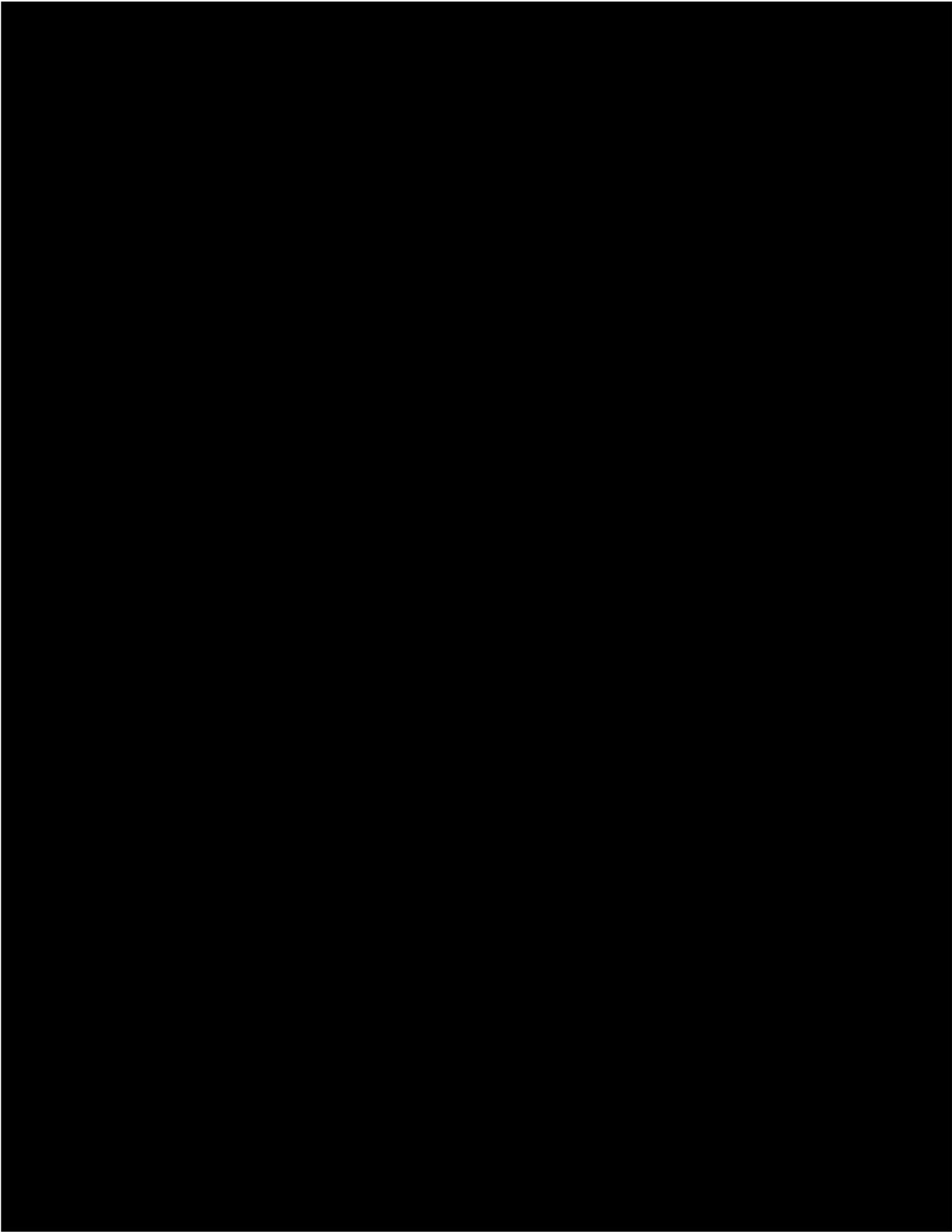
Sincerely,

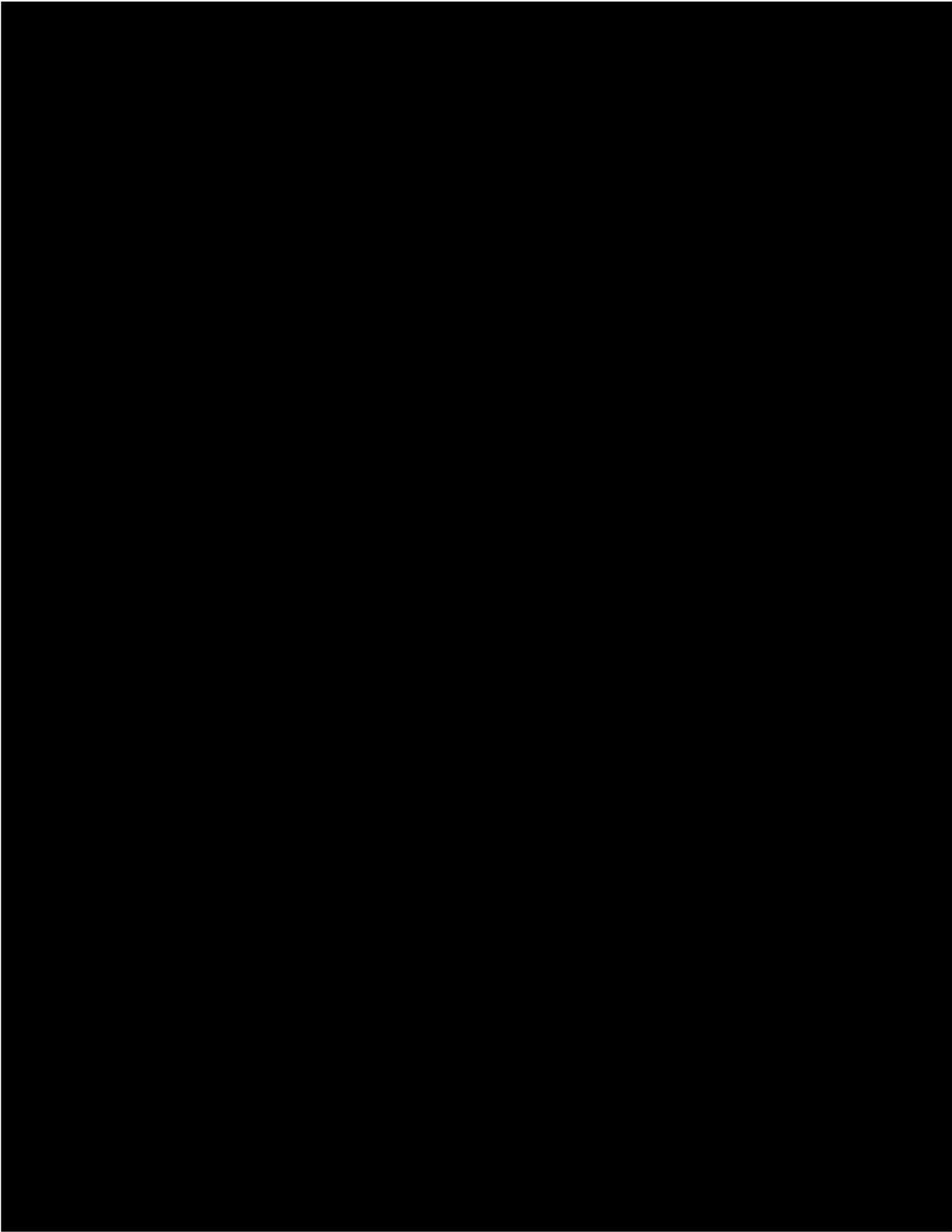
*Lissbeth Rivera*

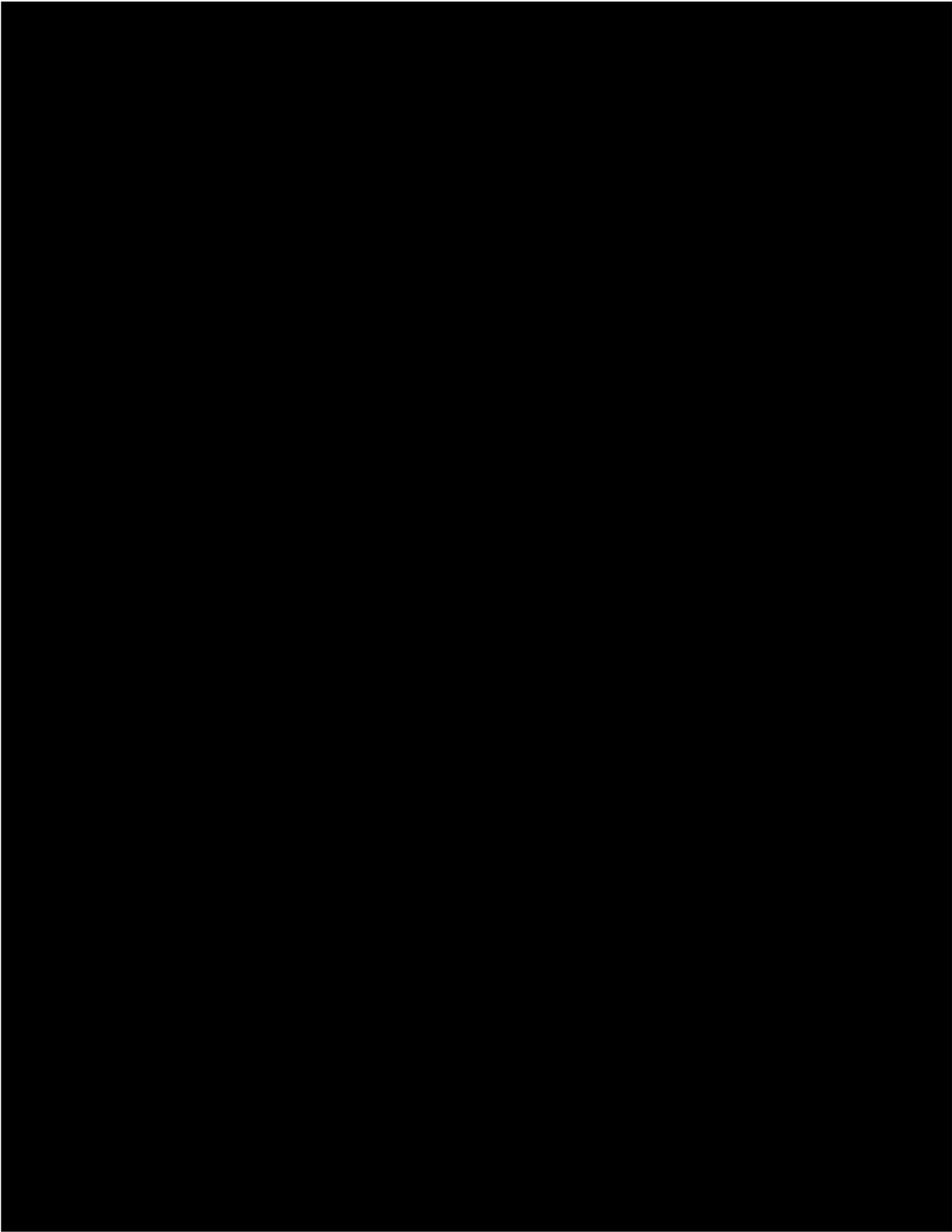
Lissbeth Rivera  
Case Manager

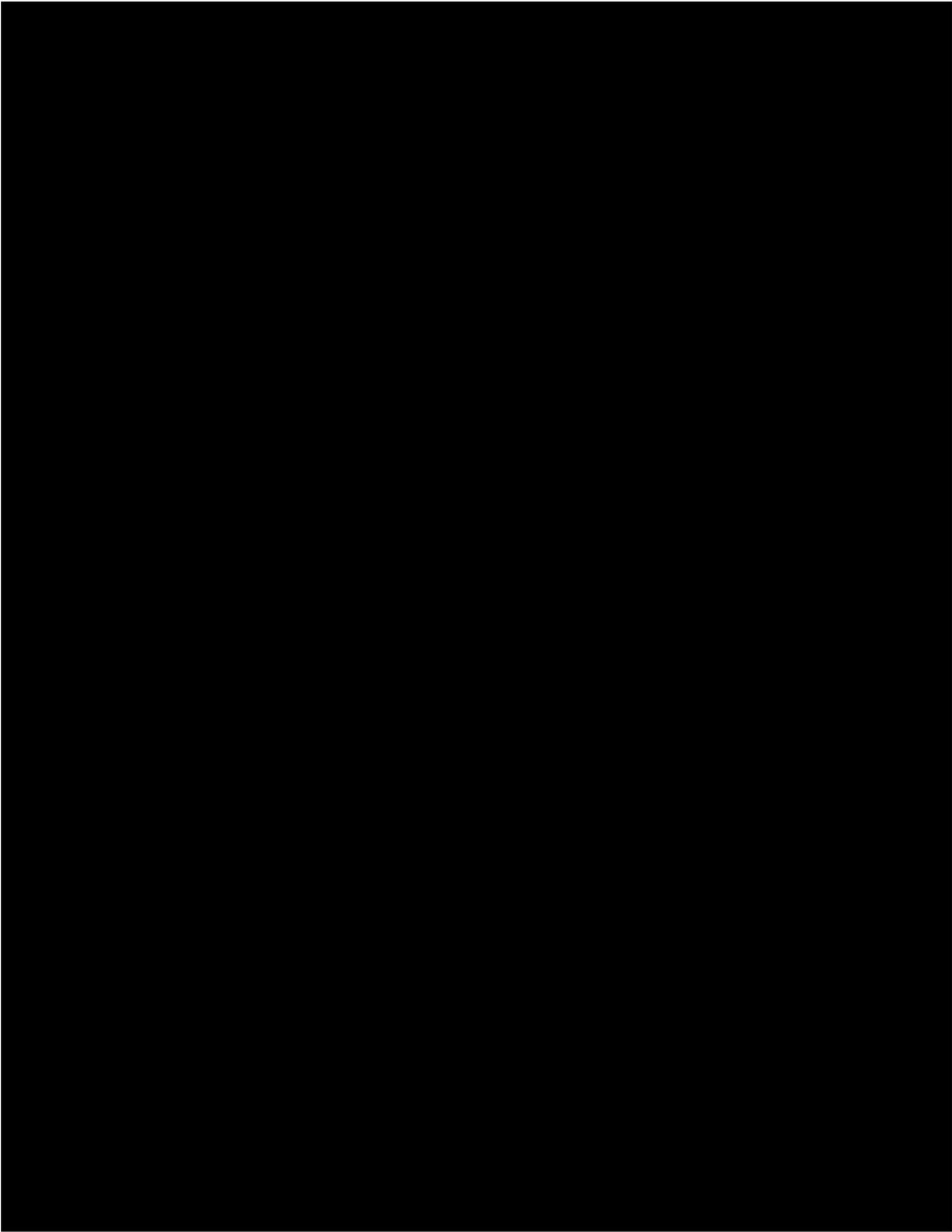
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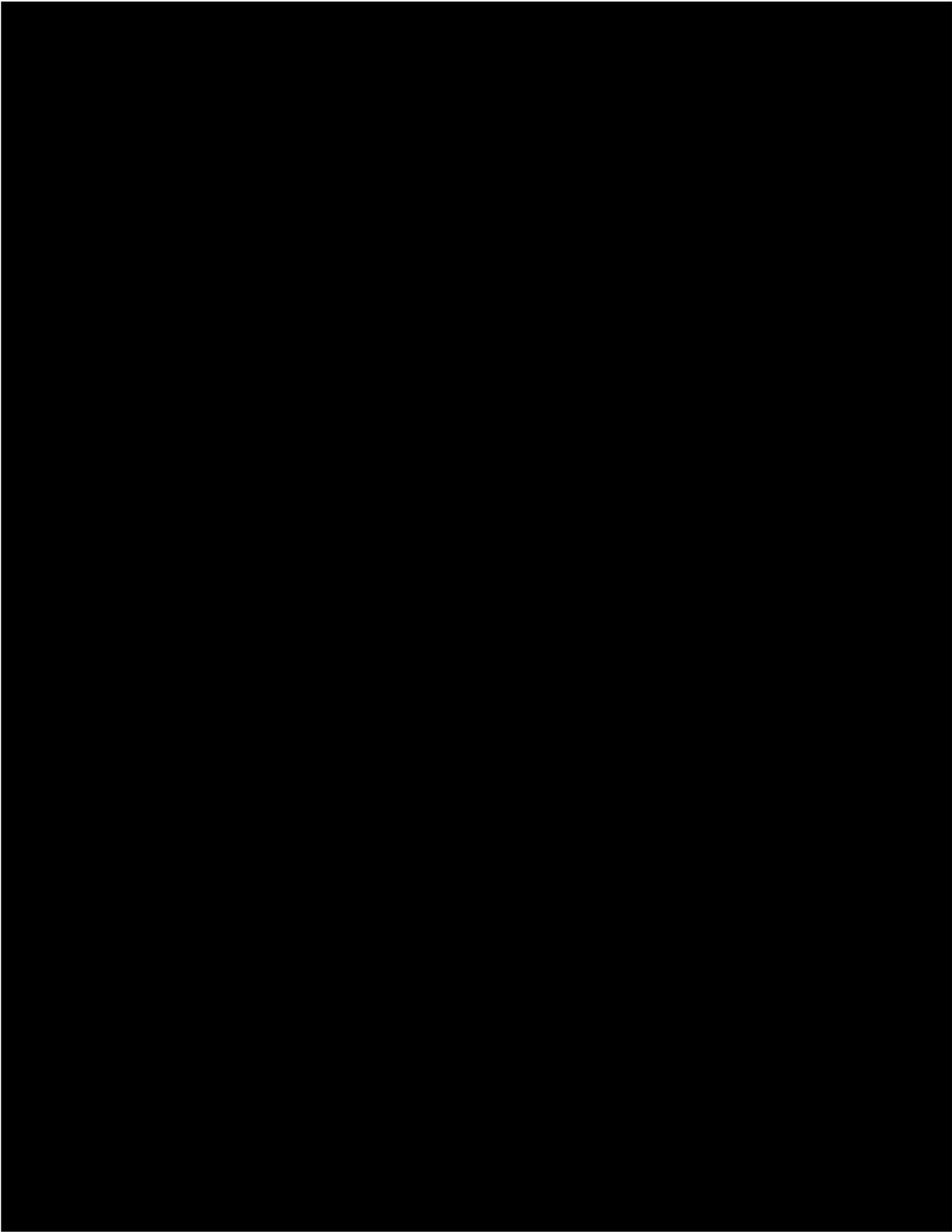


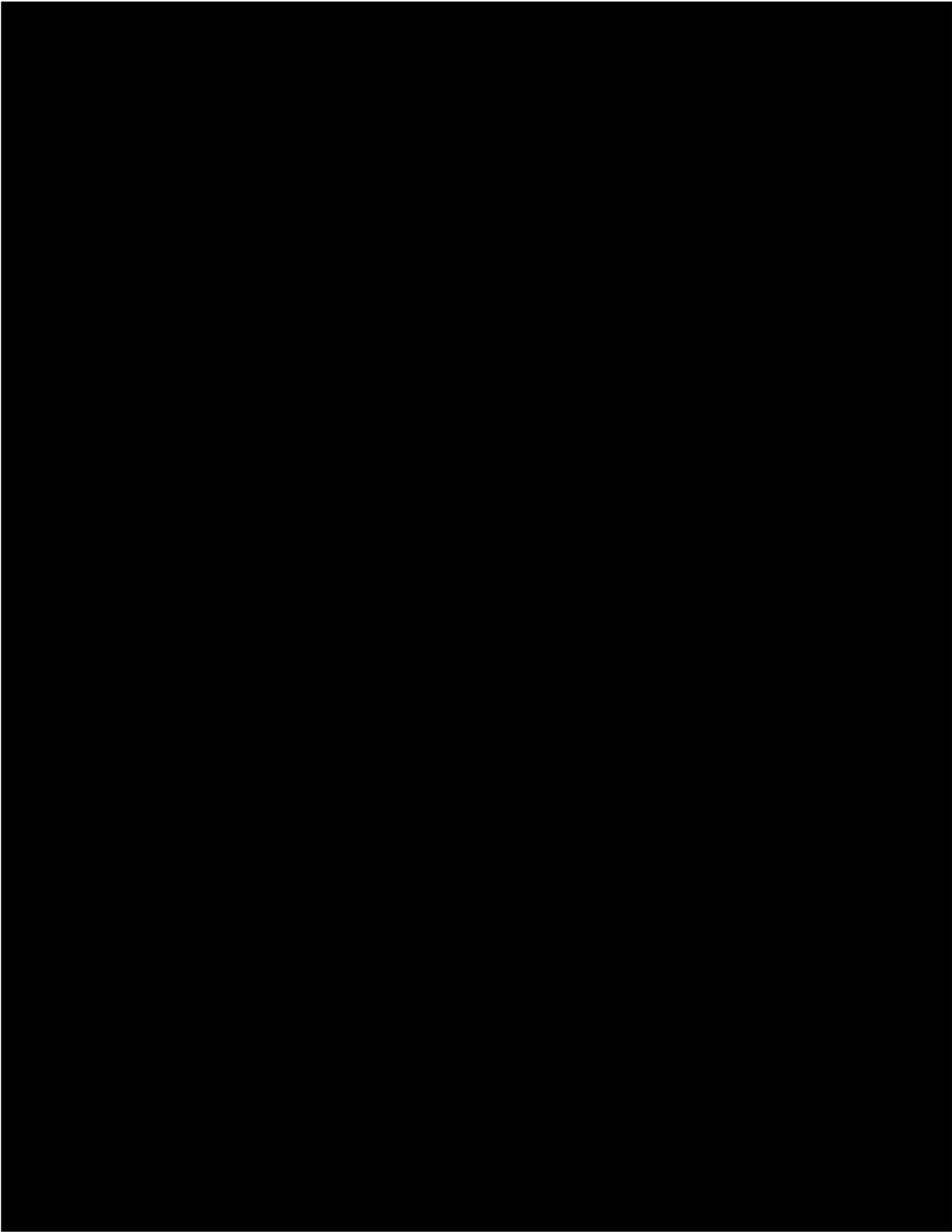


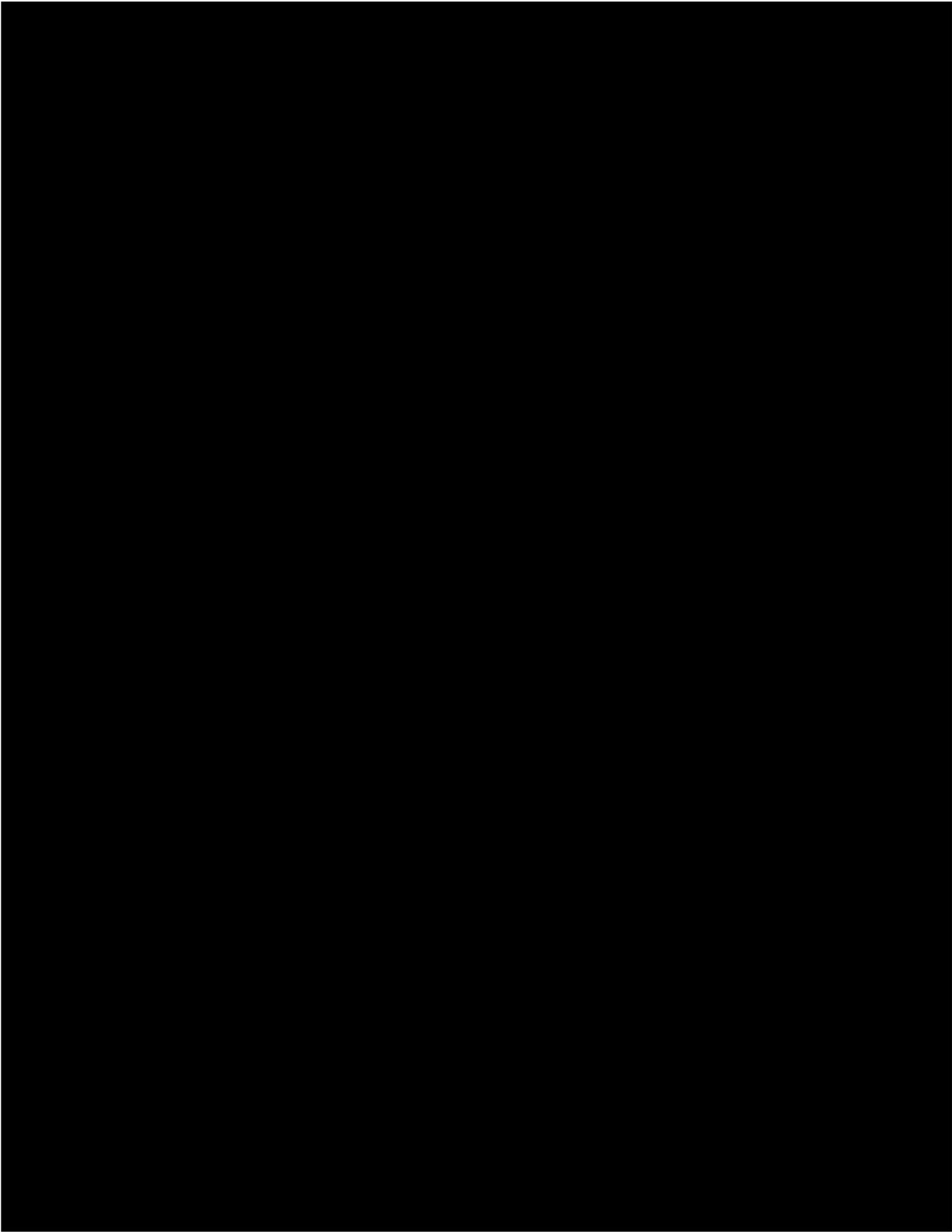


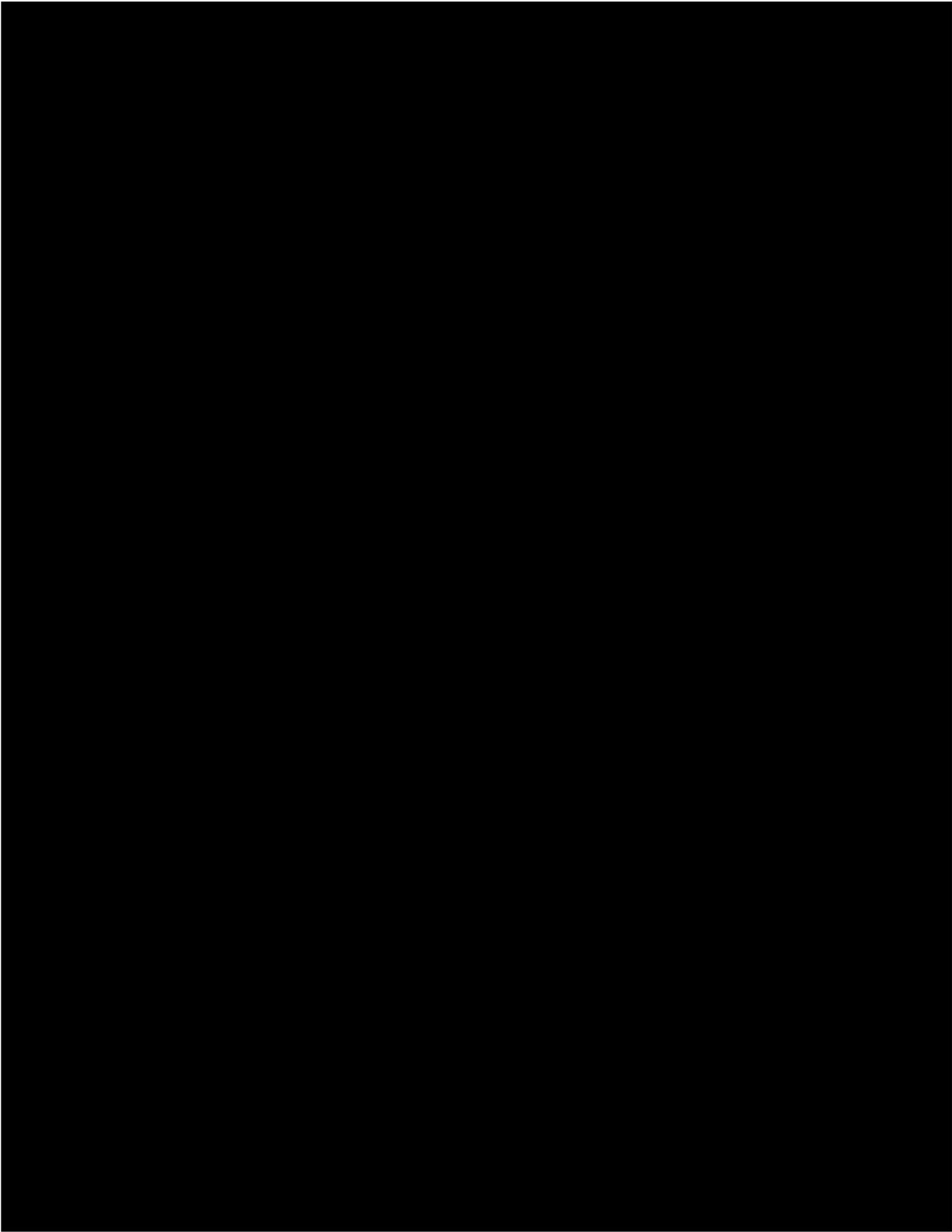


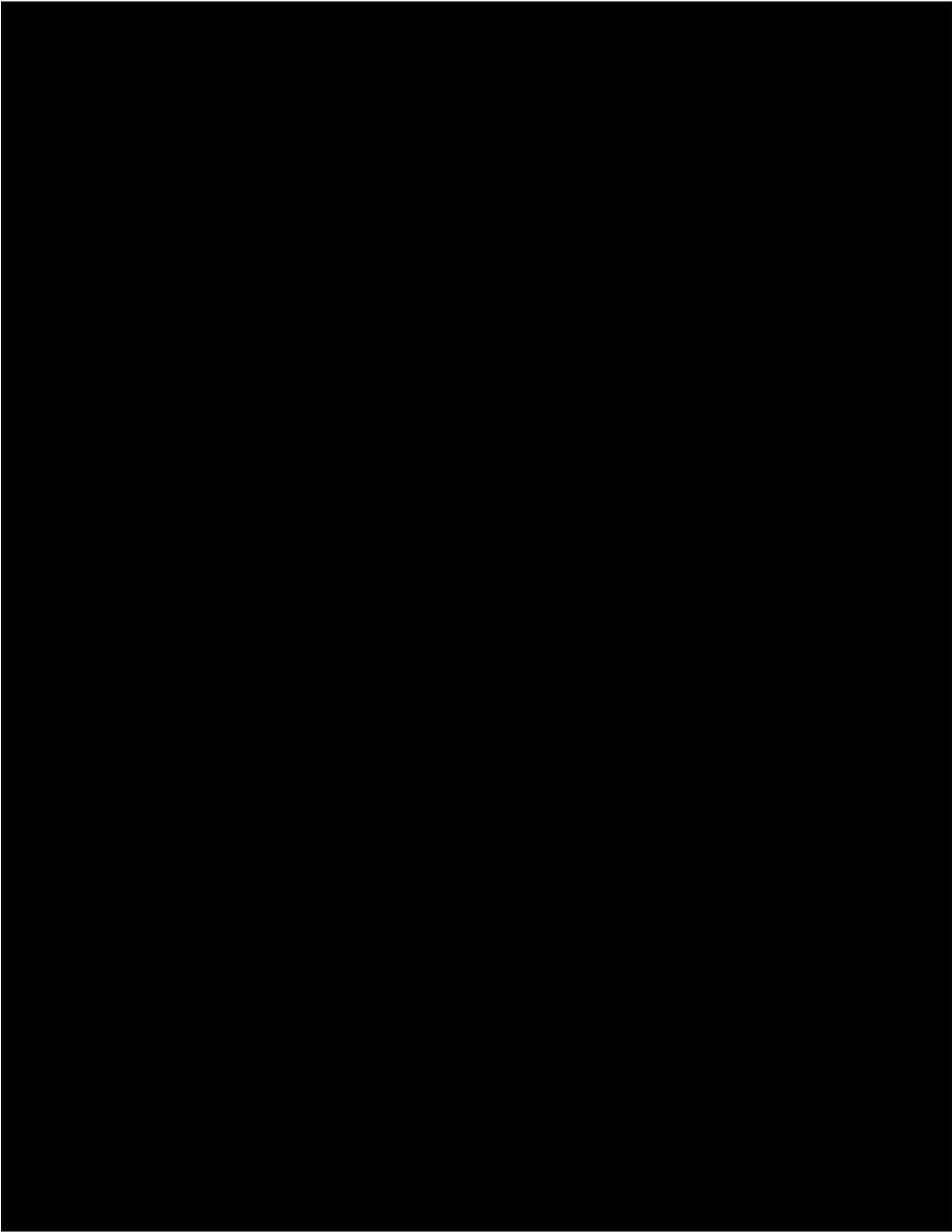


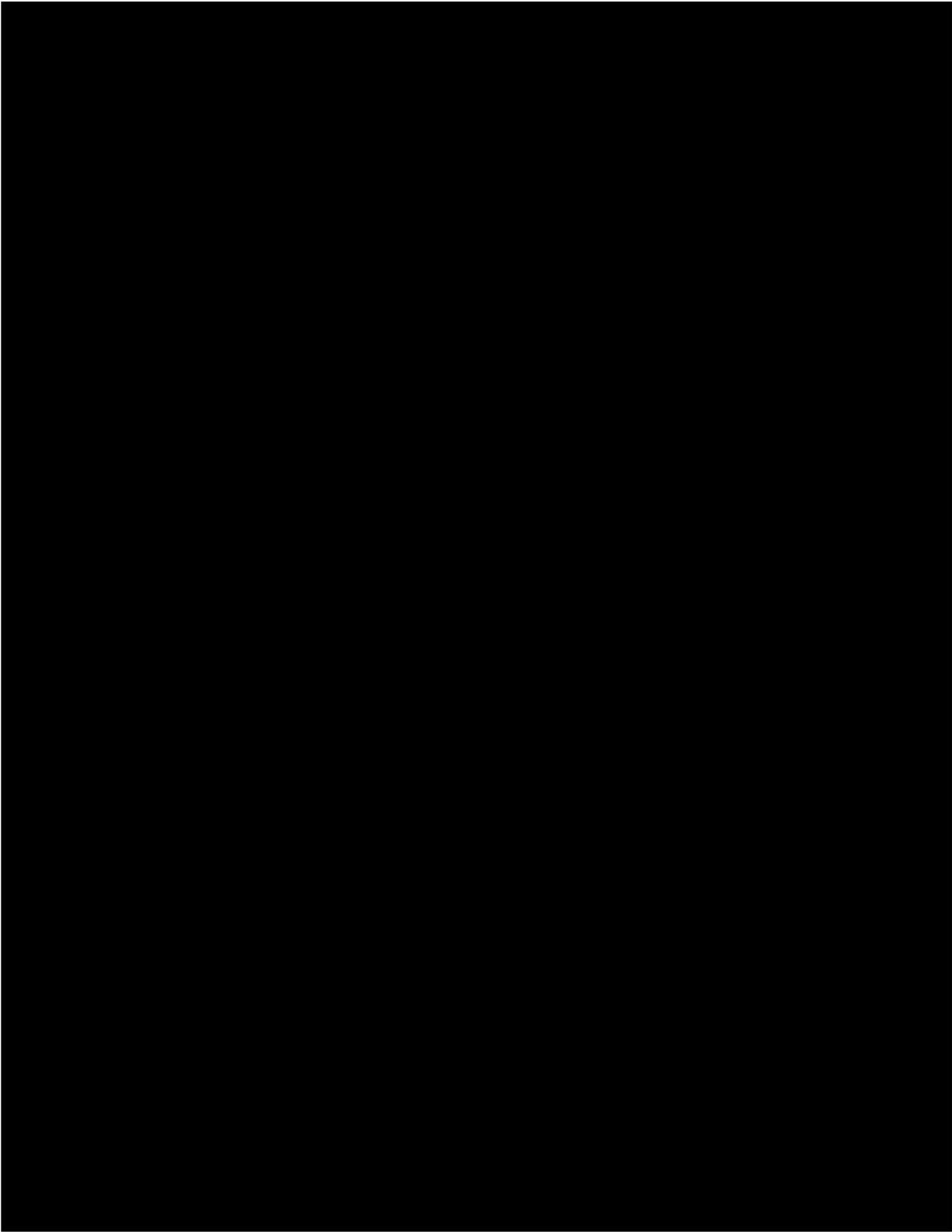


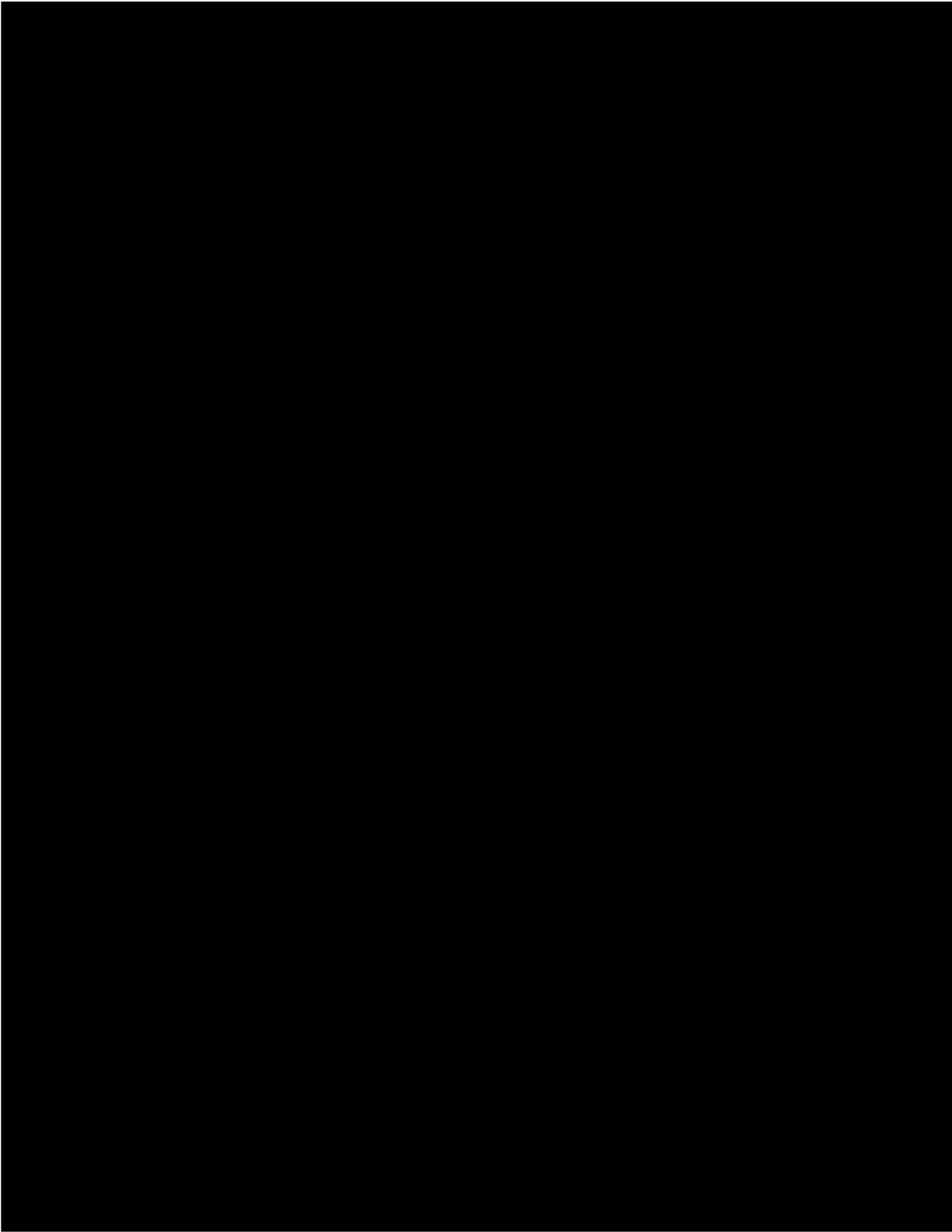


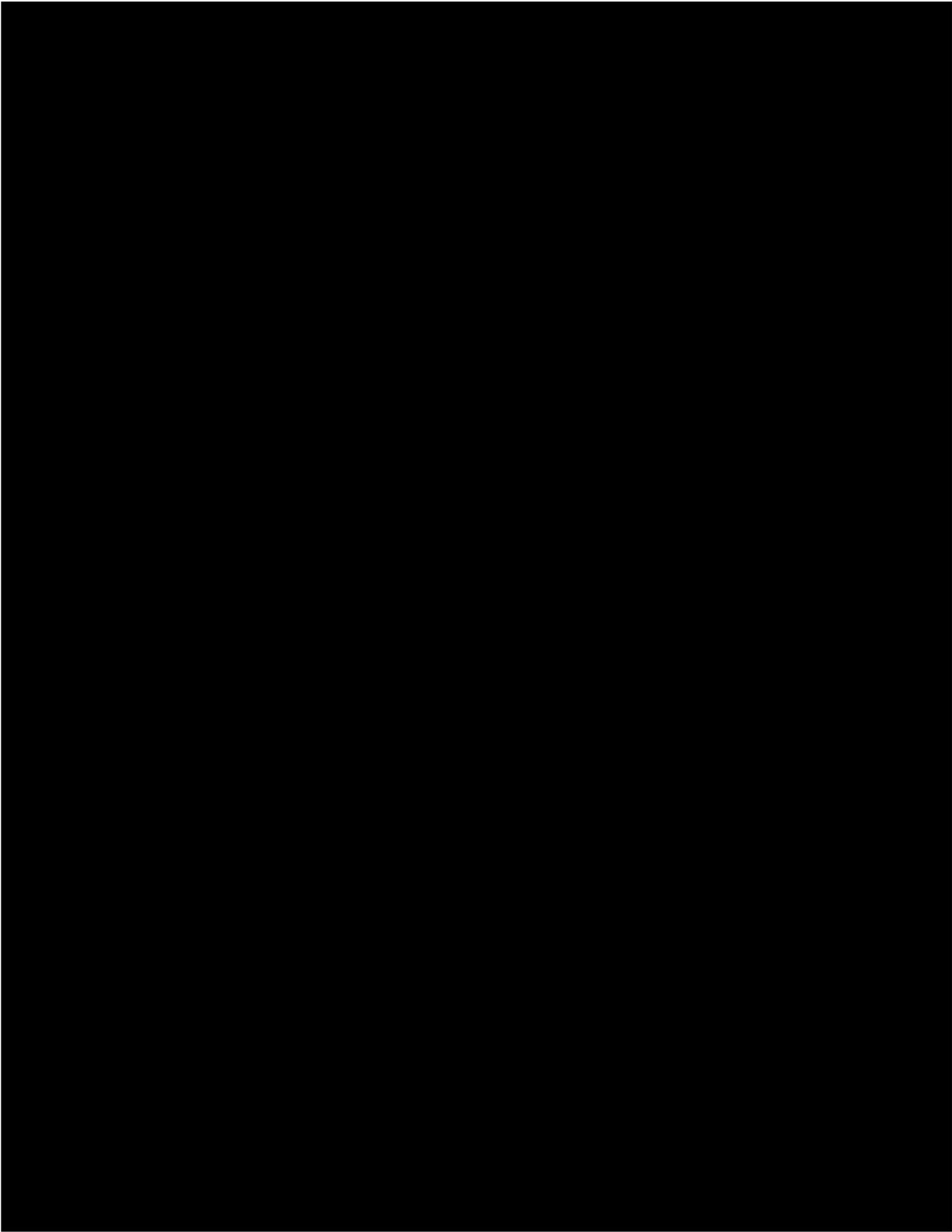














**From:** [Lissbeth Rivera](#)  
**To:** [ASCC New Claims](#)  
**Cc:** [Mayra Palacios](#); [Bradley Mullins](#)  
**Subject:** Letter of Representation and Police Report - 250440  
**Date:** Wednesday, September 25, 2024 8:59:07 AM  
**Attachments:** [Outlook-dbsj1chi.png](#)  
[3rd LOR.pdf](#)

You don't often get email from [lissbeth@mullinsandblake.com](mailto:lissbeth@mullinsandblake.com). [Learn why this is important](#)

REF: Andrea Avila Martinez & [REDACTED]

Good Morning,

Please see attached our letter of representation.

Please respond with your letter of acknowledgement and advise liability status.

Thank you,

*Lissbeth Rivera*

**Case Manager**

**Mullins & Blake, PLLC**

802 W Maple Ave

Springdale, AR 72764

[lissbeth@mullinsandblake.com](mailto:lissbeth@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335

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under the Internal Revenue Code or (II) promoting, marketing or recommending to another party any transaction or matter addressed herein.




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ATTORNEYS

**Please Direct Mail To:**

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Springdale, AR 72764  
P: (479) 750-2334  
F: (479) 750-2335

---

1420 S. 8<sup>th</sup> St  
Rogers, AR 72758  
P: (479) 335-5966

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4516 Rogers Ave, Ste B-1  
Fort Smith, AR 72903  
P: (479) 434-1911

**Bradley Mullins, Esq**  
Licensed in Arkansas  
And Illinois  
Bradley@mullinsandblake.com

**Roxanne D. Blake, Esq**  
Licensed in Arkansas  
And Oklahoma  
Roxanne@mullinsandblake.com

**Jacob Pesicek, Esq**  
Licensed in Arkansas  
Jacob@mullinsandblake.com

**Mayra Palacios**  
Director of Operations  
Mayra@mullinsandblake.com

Arkansas State Claims Commission  
101 East Capitol Avenue, Suite 410  
Little Rock, AR 72201

Via Email: [ascc.new.claims@arkansas.gov](mailto:ascc.new.claims@arkansas.gov)

RE: Your Insured: Tyler Matthew Smith  
My Clients : Andrea Avila Martinez  
& [REDACTED]  
D.O.L.: September 14, 2024

September 25, 2024

Dear Claims Department:

Please be advised that the above tort victims have retained this law firm to represent them for their tort claim resulting from the above-referenced auto collision. I have attached a copy of the collision report for your convenience. I would appreciate your assistance in forwarding all future correspondence to our attention at the above address. Furthermore, our clients expressly withdraw any authorizations or releases that they have previously signed. If you have taken our client's statements, please forward a copy to our attention at your earliest convenience. If you have not taken our client's statement, please advise in writing. In the event you have had the opportunity to photograph our client's vehicle, please make those photos available to me. Also, please advise the location of your insured's vehicle so that we may go and photograph immediately. If you do not allow us to photograph your insured's vehicle, our law firm will request an instruction on spoliation at trial. Please advise whether any other additional coverages may exist that would apply to my client in regards to this accident under the above-identified policy. Thank you for your attention to these matters.

Sincerely,

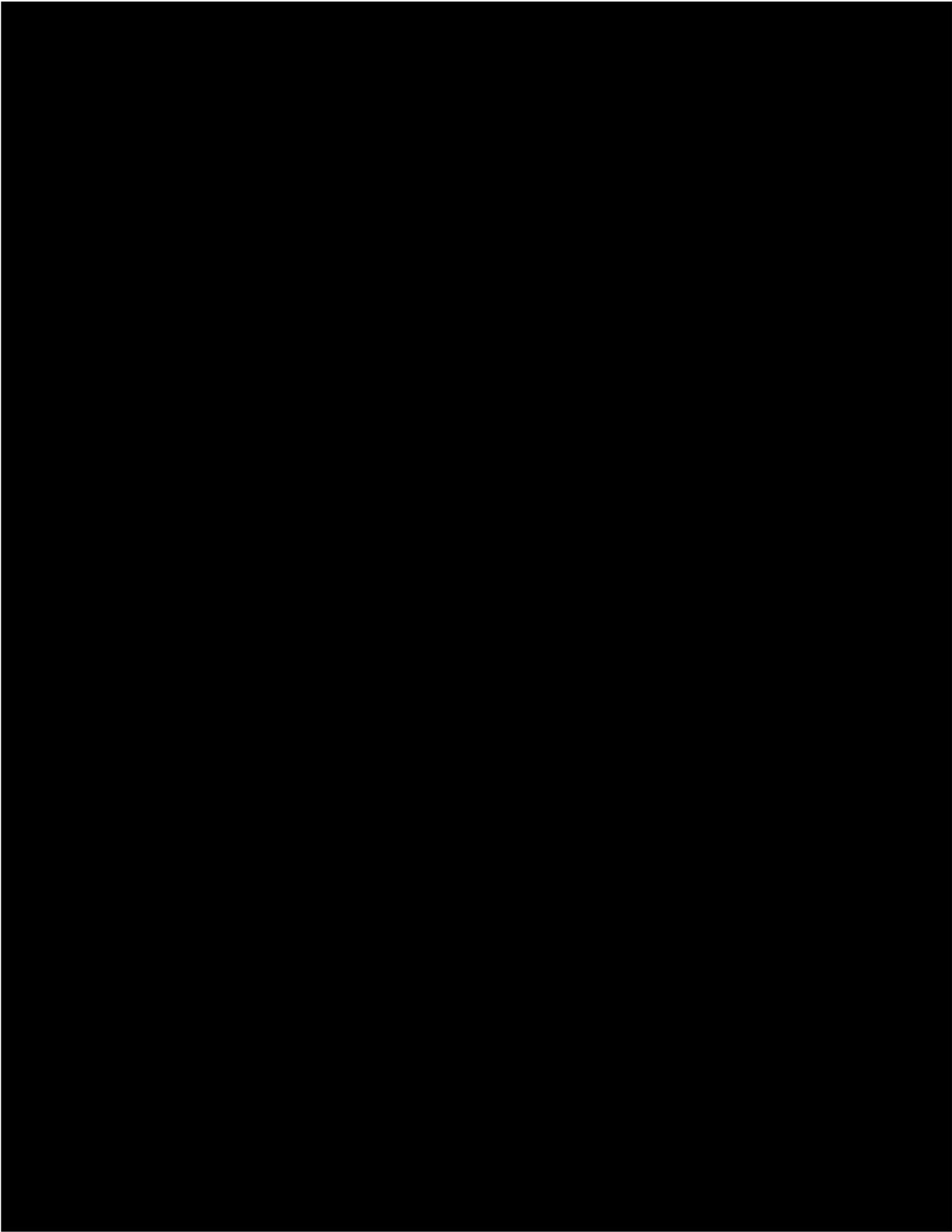
*Lissbeth Rivera*

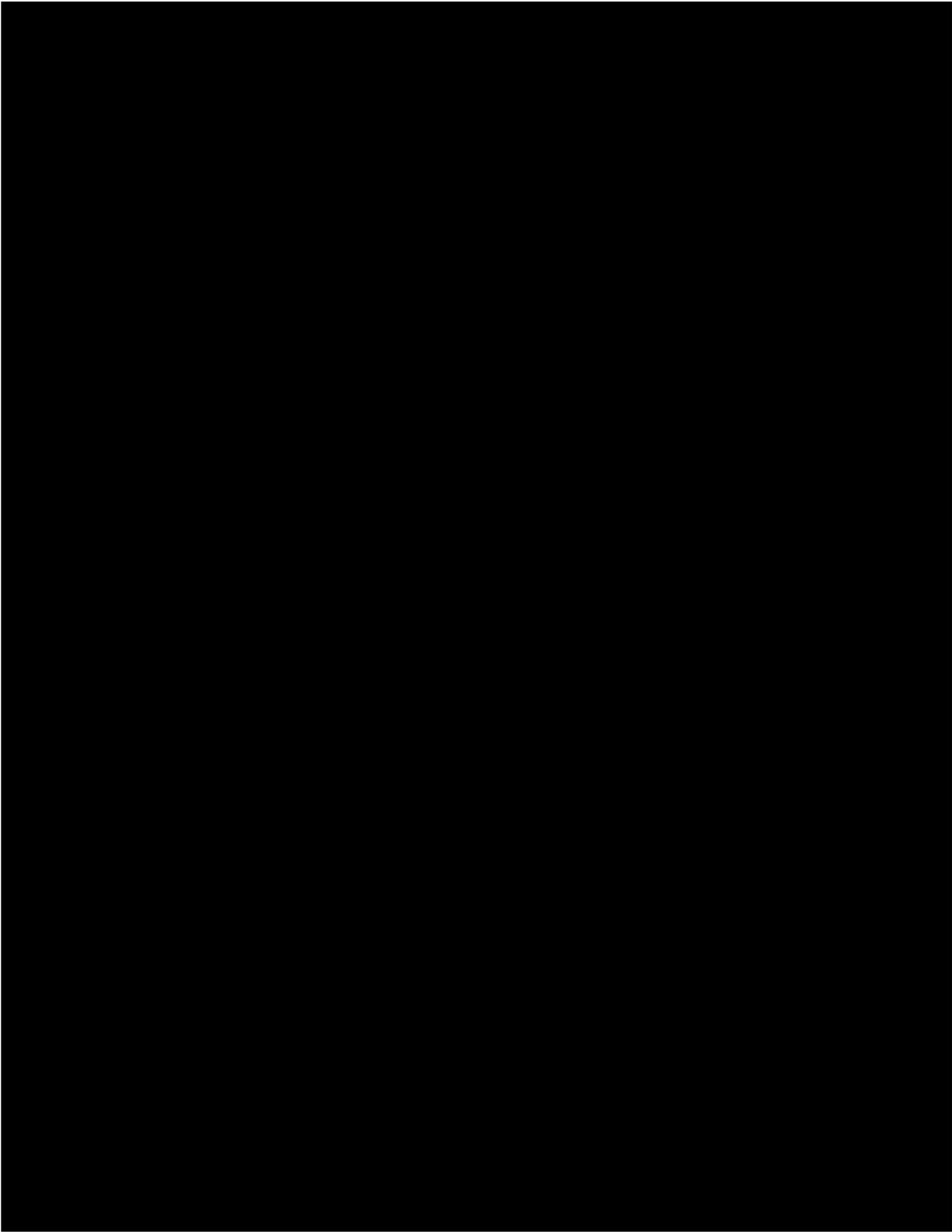
Lissbeth Rivera  
Case Manager

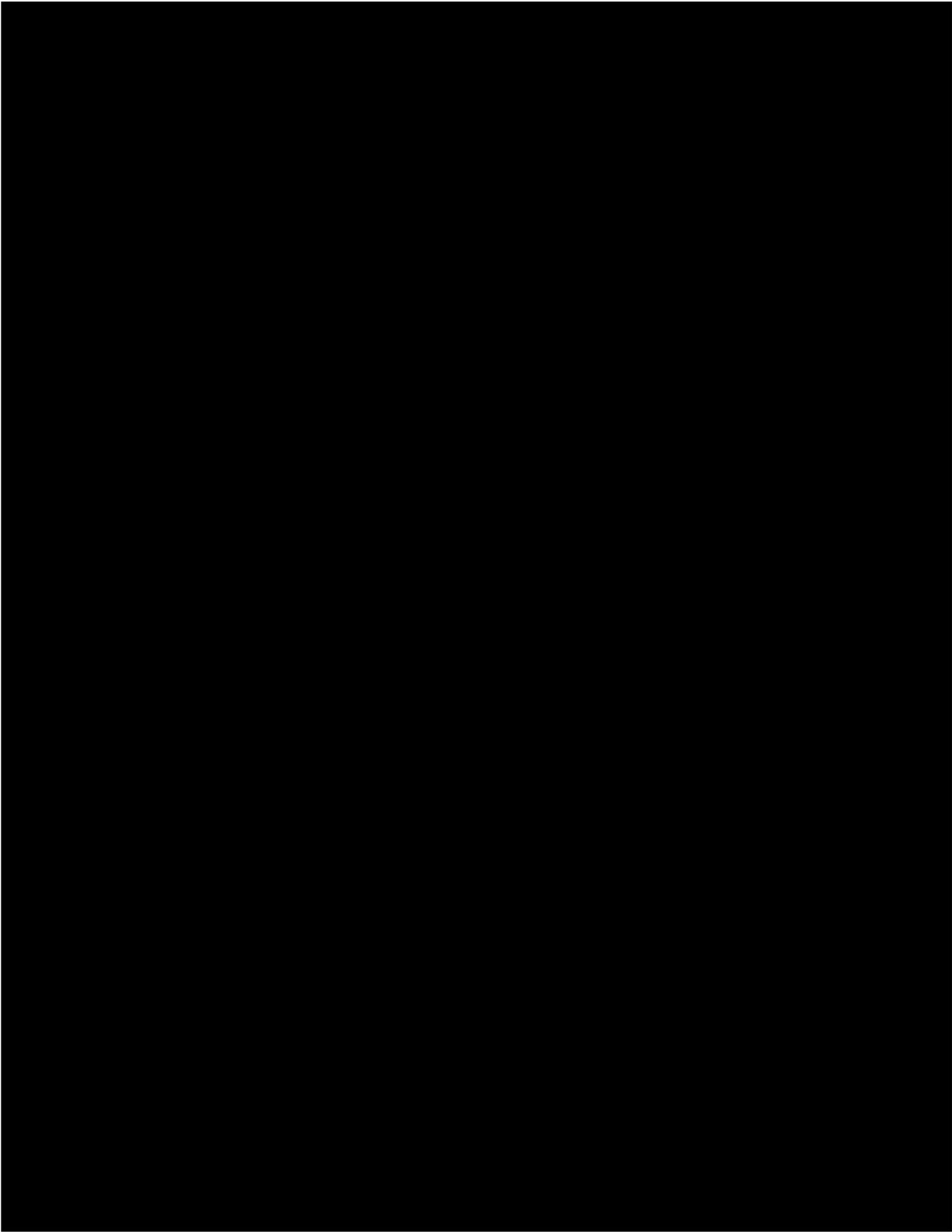
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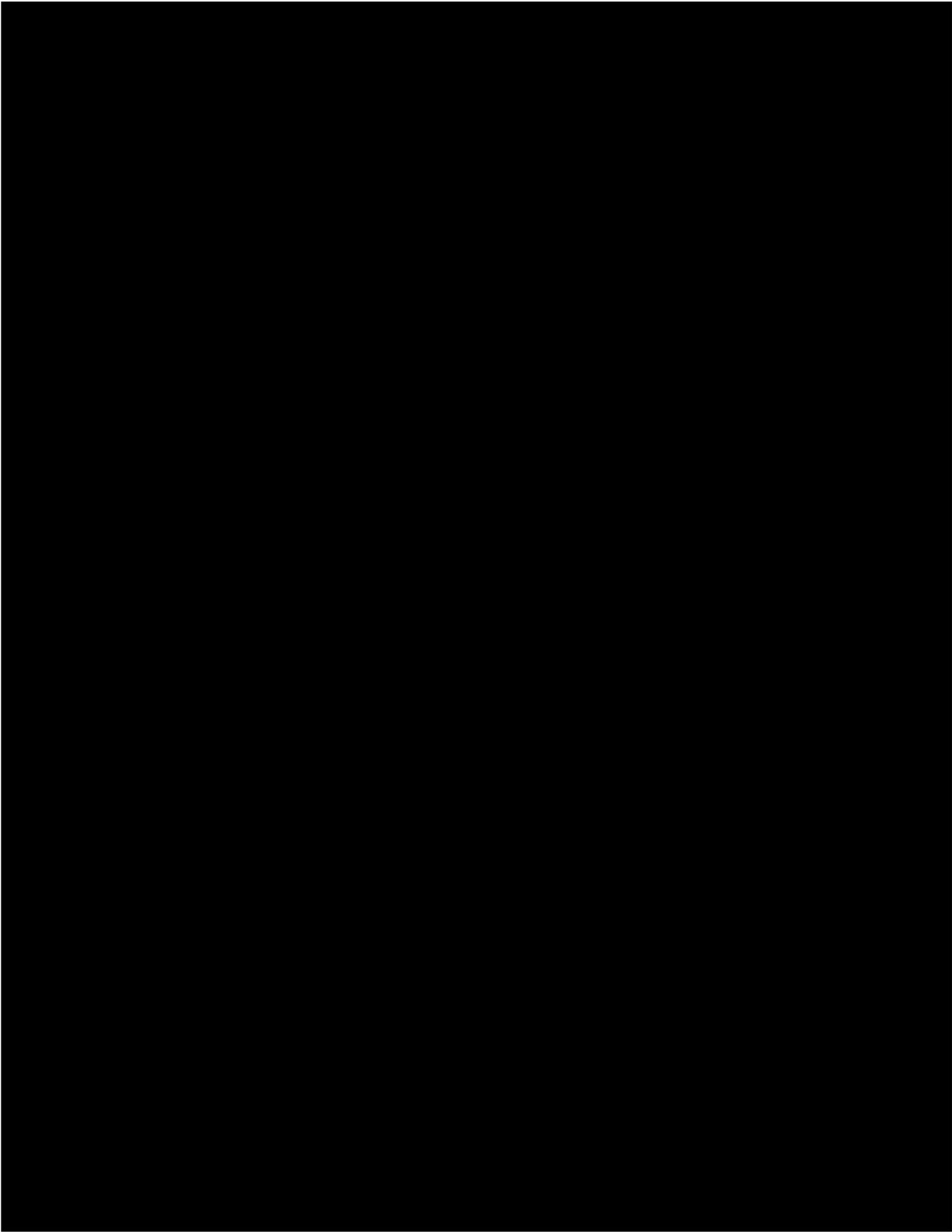
[www.MullinsandBlake.com](http://www.MullinsandBlake.com)

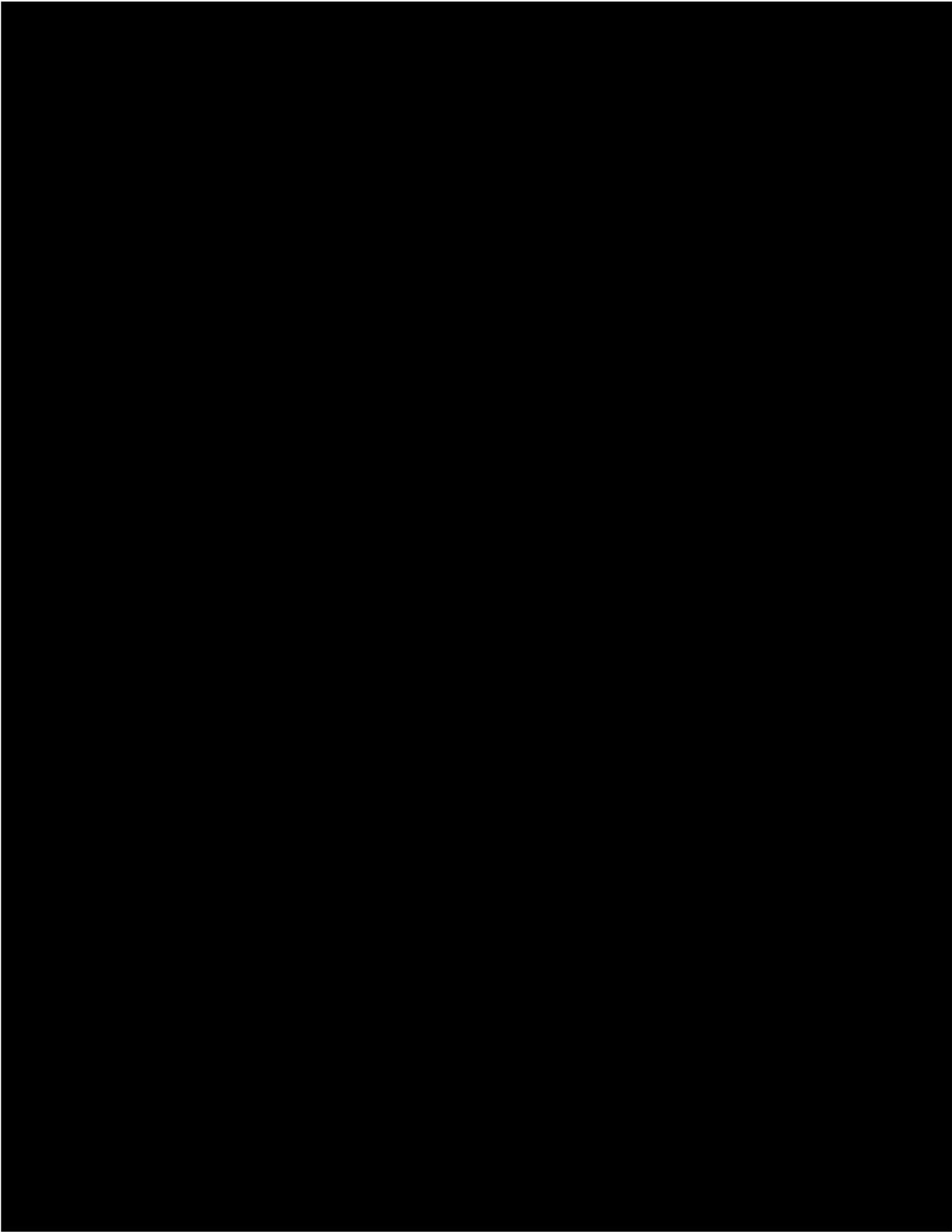
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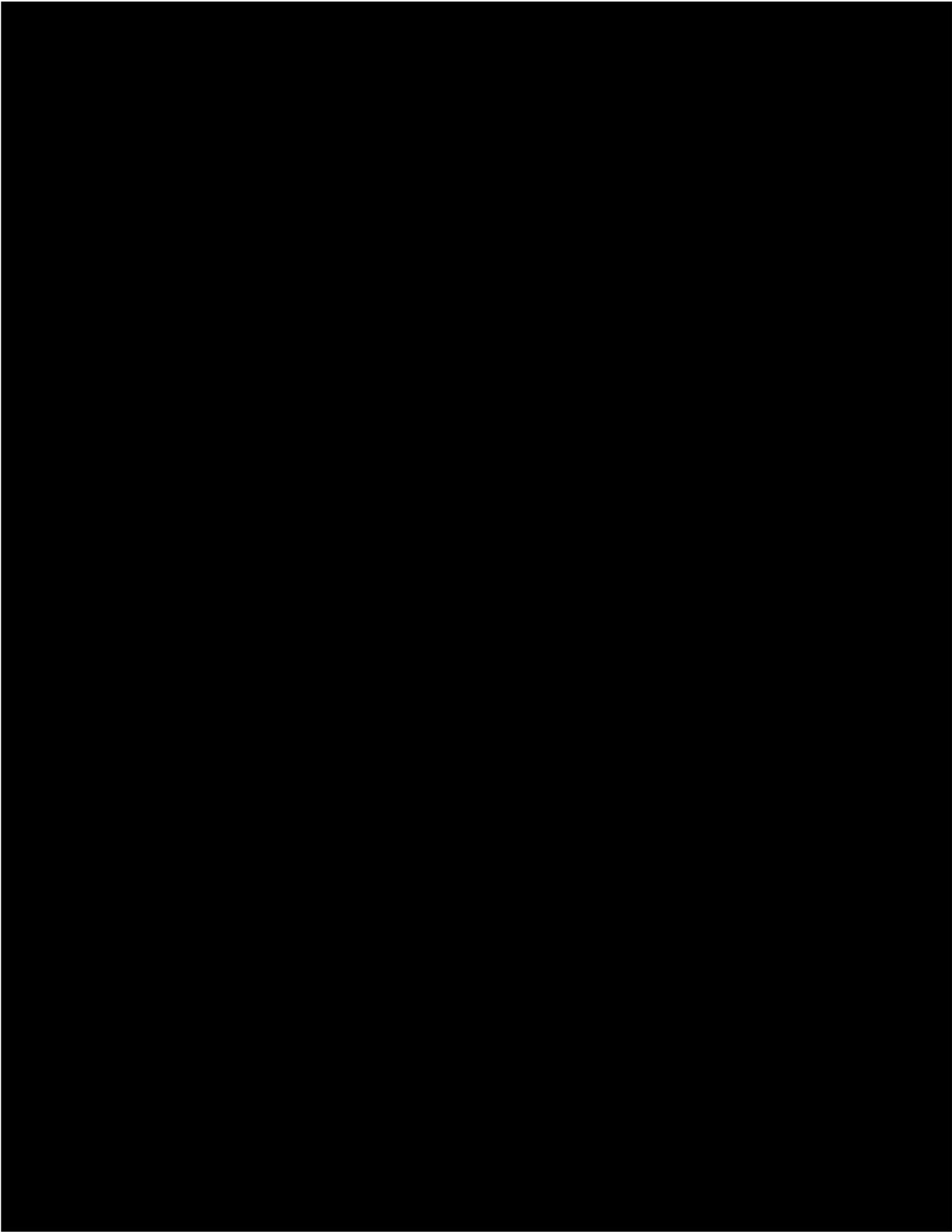


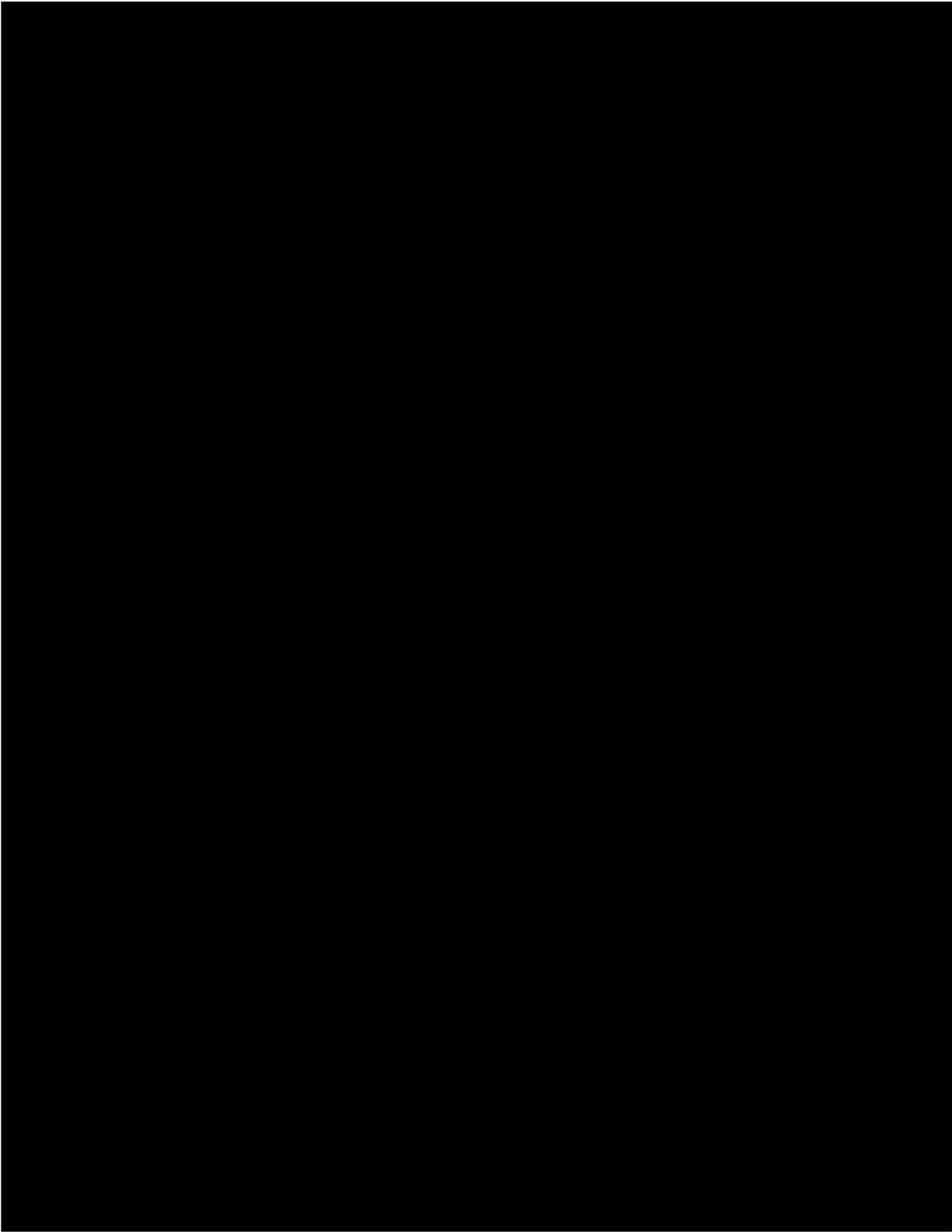


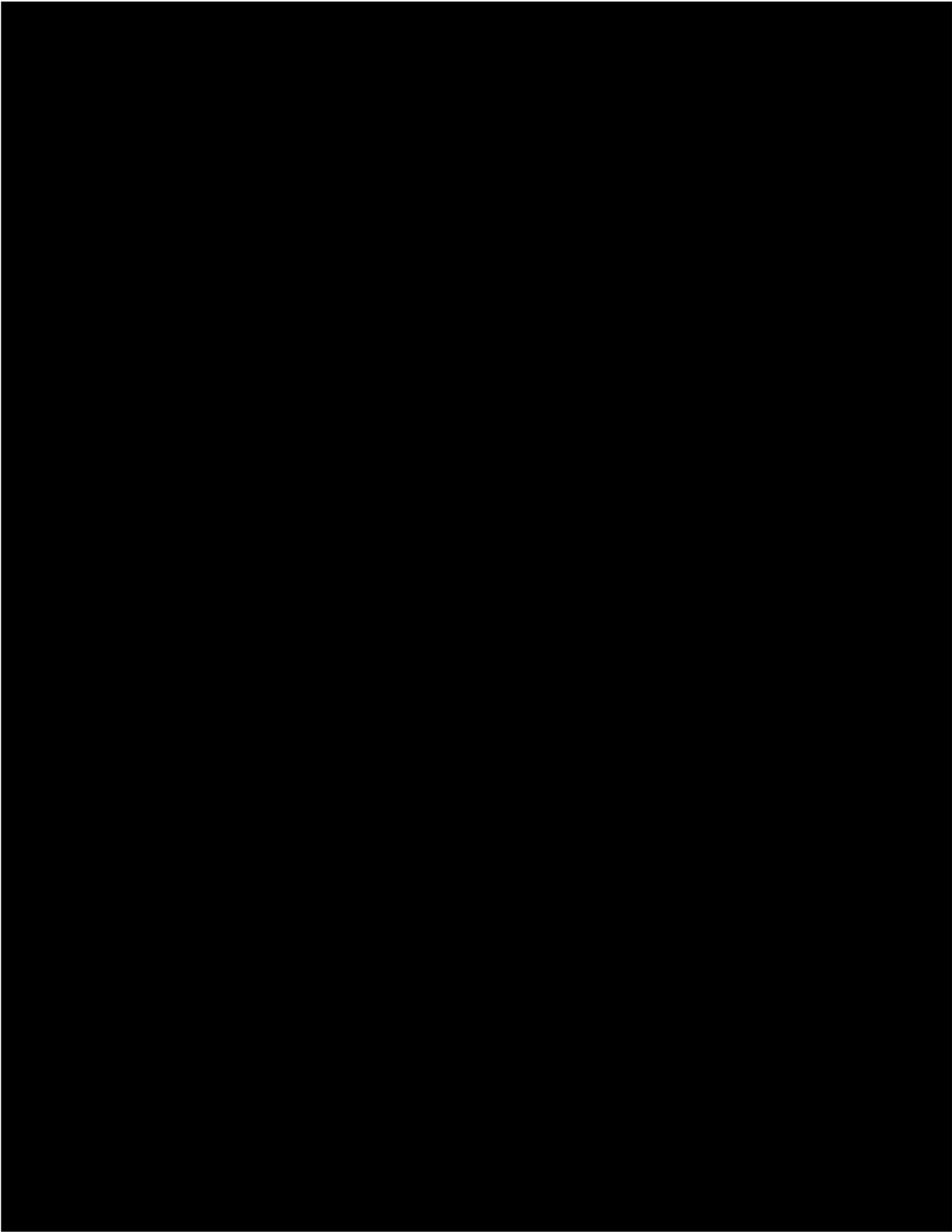


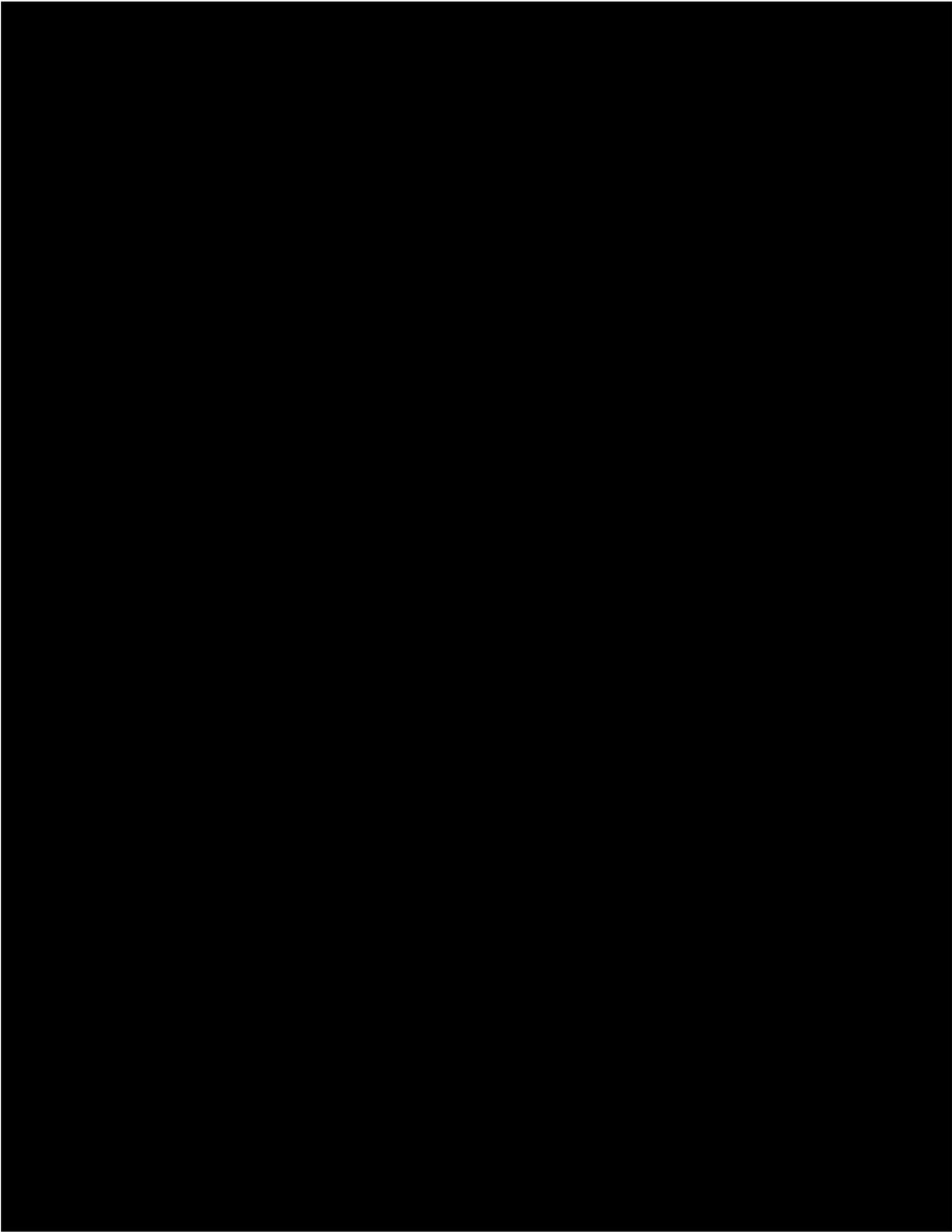


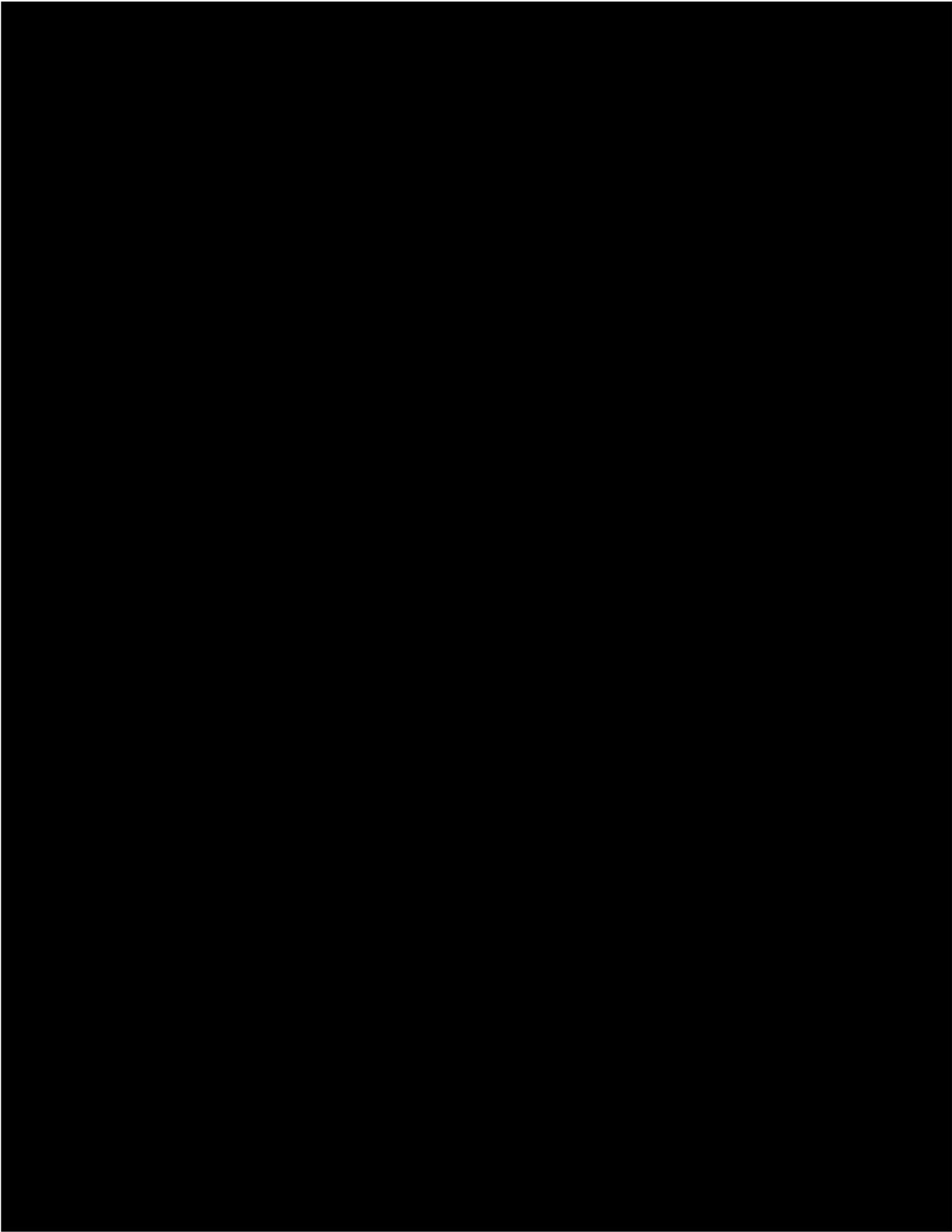


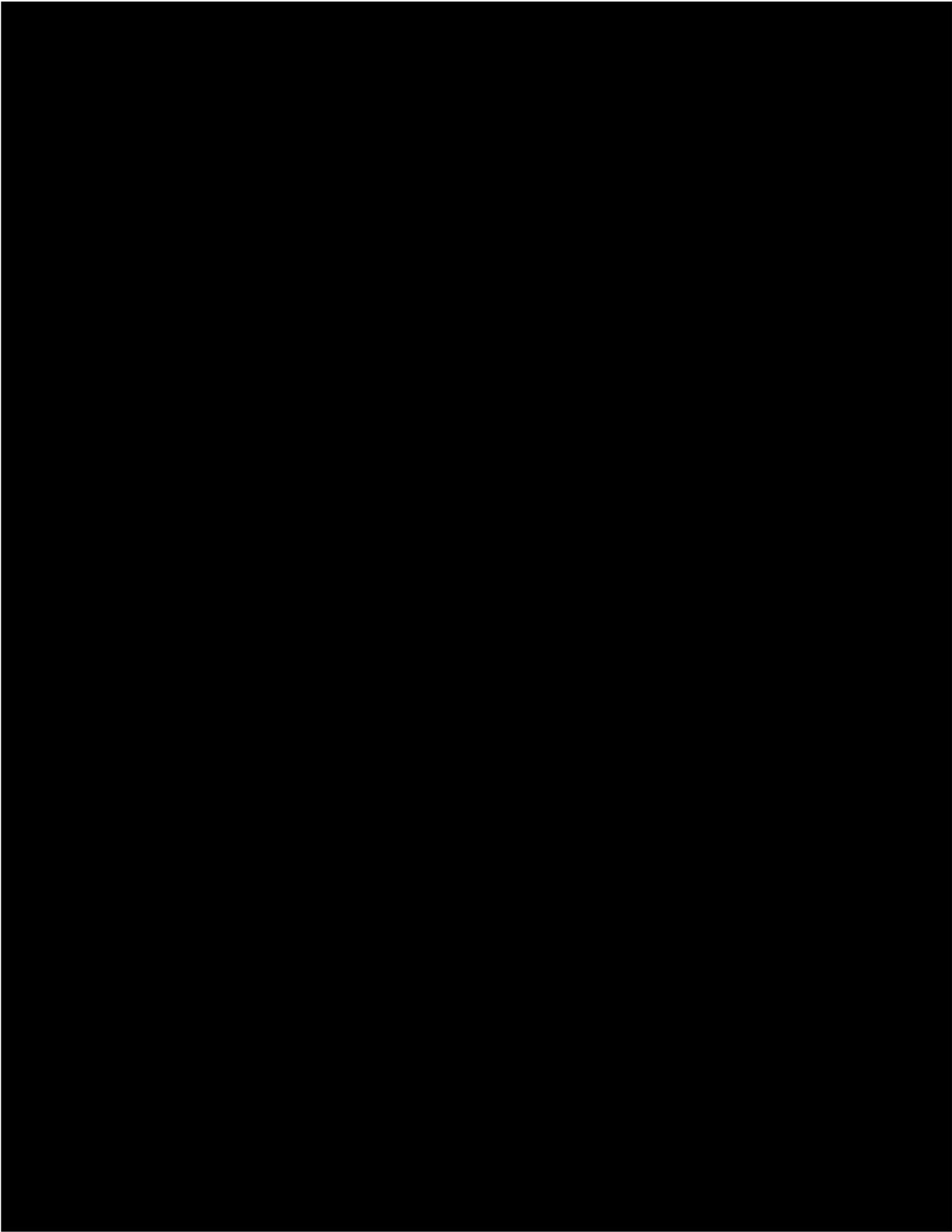


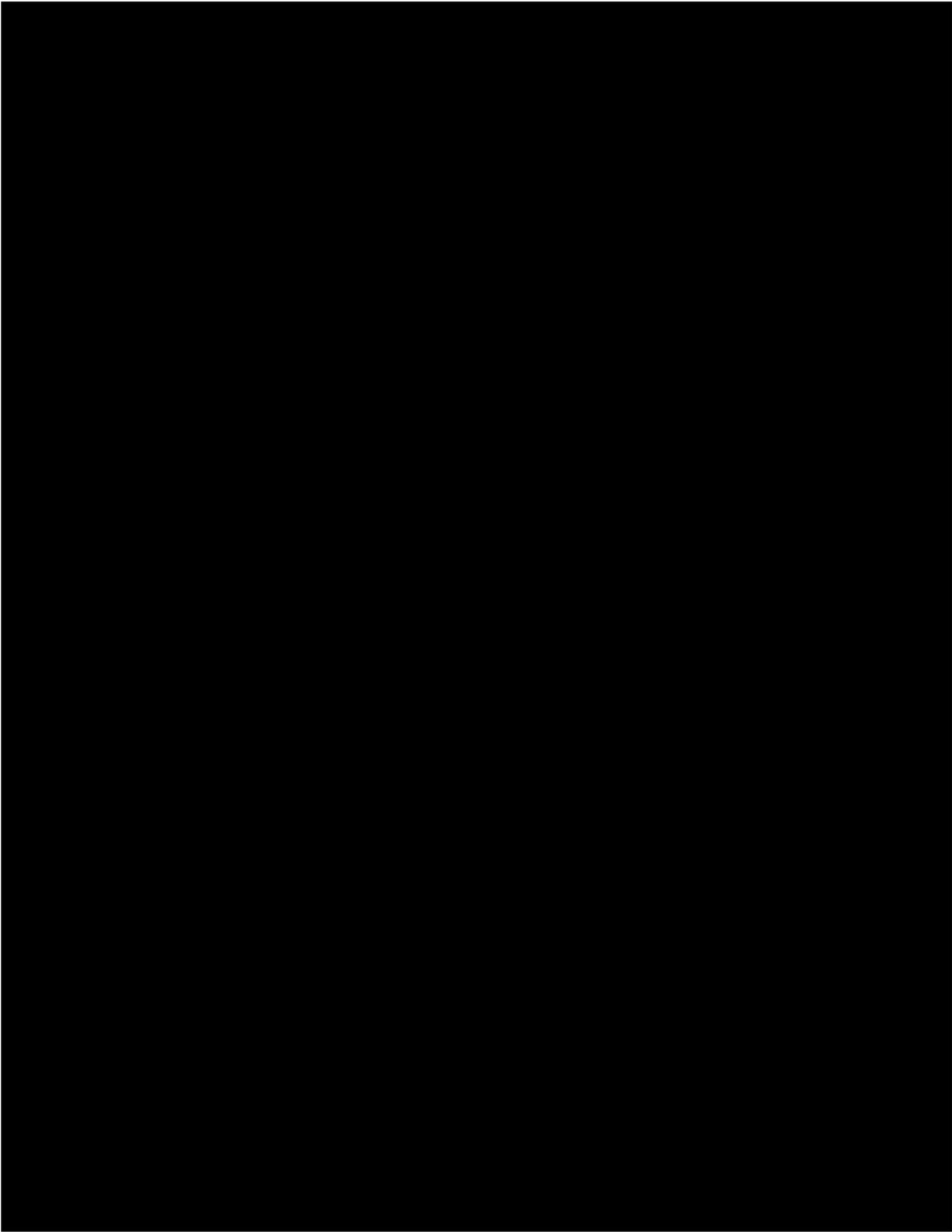


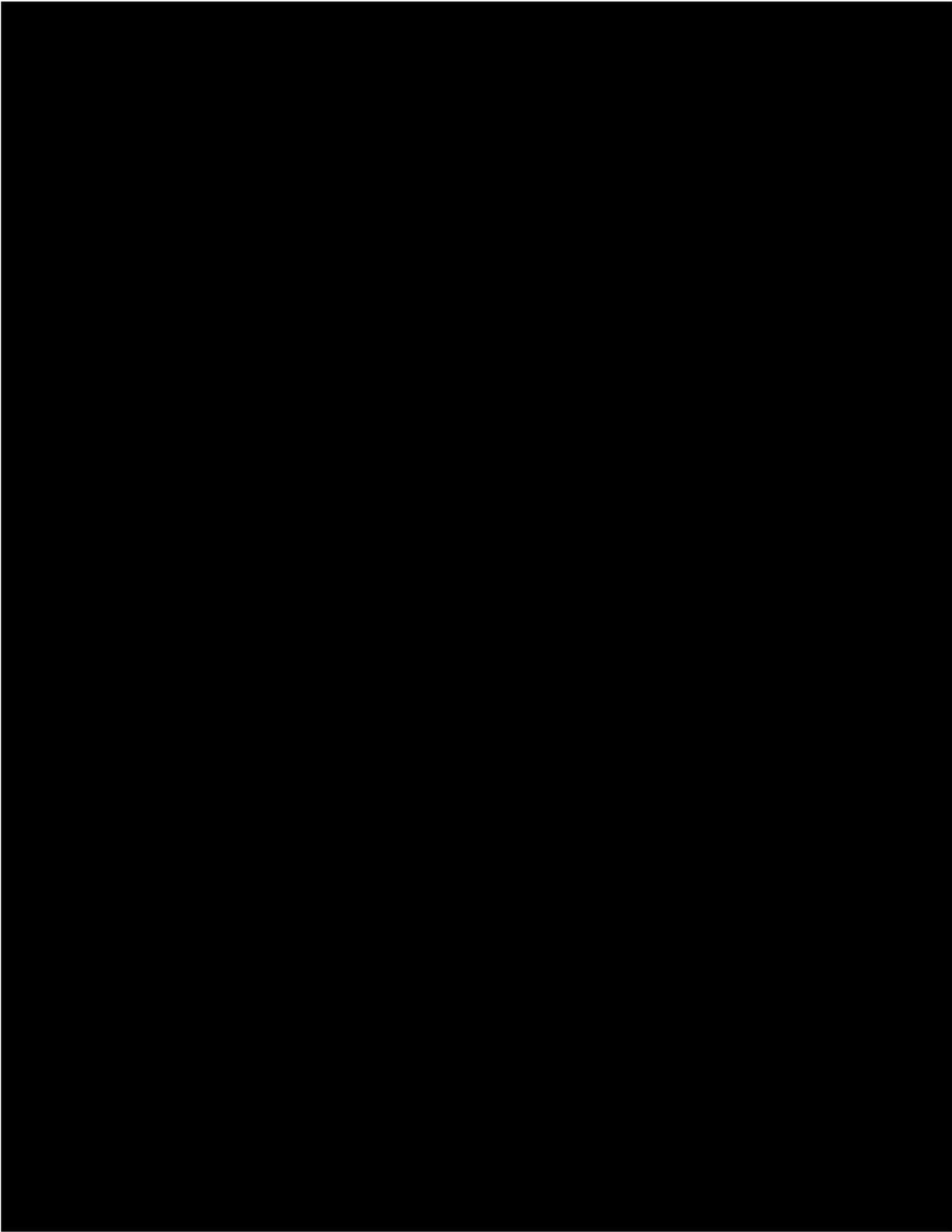














**From:** [ASCC New Claims](#)  
**To:** ["lissbeth@mullinsandblake.com"](mailto:lissbeth@mullinsandblake.com)  
**Cc:** ["bradley@mullinsandblake.com"](mailto:bradley@mullinsandblake.com); Mayra Palacios  
**Bcc:** ["Kathryn Irby"](#)  
**Subject:** FW: New Claim  
**Date:** Thursday, September 26, 2024 1:57:00 PM  
**Attachments:** [Outlook-dbsj1chi.png](#)  
[3rd LOR.pdf](#)  
[Claim form --Revised June 2024.pdf](#)

---

Dear Ms. Rivera,

This office received the attached claim documents relating to an incident. This claim cannot be filed, however, you did not complete a complaint form. This form is required for all claims. For your convenience, a complaint form is enclosed.

Please complete the enclosed form, sign it in the presence of a Notary Public, and return it to this office. The other claim documents will be retained here to be filed upon receipt of the completed forms.

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:** Lissbeth Rivera <  
**Sent:** Wednesday, September 25, 2024 8:58 AM  
**To:** ASCC New Claims <[ascc.new.claims@arkansas.gov](mailto:ascc.new.claims@arkansas.gov)>  
**Cc:** Mayra Palacios <>; Bradley Mullins <  
**Subject:** New Claim

You don't often get email from [lissbeth@mullinsandblake.com](mailto:lissbeth@mullinsandblake.com). [Learn why this is important](#)

REF: Andrea Avila Martinez & [REDACTED]

Good Morning,

Please see attached our letter of representation.

Please respond with your letter of acknowledgement and advise liability status.

Thank you,

*Lisbeth Rivera*

**Case Manager**

**Mullins & Blake, PLLC**

802 W Maple Ave

Springdale, AR 72764

[lissbeth@mullinsandblake.com](mailto:lissbeth@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335

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**From:** [ASCC New Claims](#)  
**To:** [bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)  
**Bcc:** [Kathryn Irby](#)  
**Subject:** Andrea Aviles Martinez and [REDACTED], Claim No. 250440 - deficient  
**Date:** Thursday, October 17, 2024 2:40:00 PM  
**Attachments:** [Outlook-13mdm31e.png](#)  
[Complaint Form.pdf](#)  
[3rd LOR.pdf](#)

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Dear Mr. Mullins,

This office received claim documents relating to an incident that occurred on September 14, 2024. This claim cannot be filed, however, because you did not include an invoice documenting repair costs OR three repair estimates OR an explanation of why the estimates cannot be obtained.

Additionally, you did not include a copy of the insurance declarations covering the damaged property or a statement that the vehicle was not covered by insurance at the time of the incident.

Please send this documentation to our office. Your other claim documents will be retained here to be filed upon receipt of the requested documentation.

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:** Lissbeth Rivera <[lissbeth@mullinsandblake.com](mailto:lissbeth@mullinsandblake.com)>  
**Sent:** Tuesday, October 1, 2024 3:56 PM  
**To:** ASCC New Claims <[ASCC.New.Claims@arkansas.gov](mailto:ASCC.New.Claims@arkansas.gov)>  
**Cc:** Mayra Palacios <[mayra@mullinsandblake.com](mailto:mayra@mullinsandblake.com)>; Bradley Mullins <[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)>  
**Subject:** Re: New Claim

You don't often get email from [lissbeth@mullinsandblake.com](mailto:lissbeth@mullinsandblake.com). [Learn why this is important](#)

REF: Andrea Aviles Martinez & [REDACTED]

Good Afternoon,

Please see attached our letter of representation along with the complete complaint form.

Please advise if anything else is needed.

Thank you,

*Lisbeth Rivera*

**Case Manager**

**Mullins & Blake, PLLC**

802 W Maple Ave

Springdale, AR 72764

[lissbeth@mullinsandblake.com](mailto:lissbeth@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335

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**From:** [Faith Ketcher](#)  
**To:** [ASCC New Claims](#)  
**Cc:** [Lissbeth Rivera](#); [Bradley Mullins](#)  
**Subject:** New Claim  
**Date:** Thursday, October 24, 2024 1:46:43 PM  
**Attachments:** [Outlook-433s3pua.png](#)

---

You don't often get email from [faith@mullinsandblake.com](mailto:faith@mullinsandblake.com). [Learn why this is important](#)

REF: Andre Avilas Martinez & [REDACTED]

Good afternoon,

Please see attached, our letter of representation, the complaint, the property damage pictures and a letter with an explanation of why the estimate cannot be obtained.

Please advise if anything else is needed.

Thank you.

*Faith Ketcher*  
*Legal Assistant*  
Mullins & Blake Attorneys  
802 West Maple Avenue  
Springdale, AR 72764  
[faith@mullinsandblake.com](mailto:faith@mullinsandblake.com)  
P: 479-750-2334  
F: 479-750-2335  
T: 479-358-1998



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party any transaction or matter addressed herein

**From:** [Faith Ketcher](#)  
**To:** [ASCC New Claims](#)  
**Cc:** [Bradley Mullins](#); [Lissbeth Rivera](#)  
**Subject:** New Claim  
**Date:** Thursday, October 24, 2024 1:48:40 PM  
**Attachments:** [Outlook-fmakebb2.png](#)  
[Signed PD Estimate Letter to 3rd.pdf](#)

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REF: Andre Avilas Martinez & [REDACTED]

Good afternoon,

Please see attached, our letter of representation, the complaint, the property damage pictures and a letter with an explanation of why the estimate cannot be obtained.

Please advise if anything else is needed.

Thank you.

*Faith Ketcher*  
*Legal Assistant*  
 Mullins & Blake Attorneys  
 802 West Maple Avenue  
 Springdale, AR 72764  
[faith@mullinsandblake.com](mailto:faith@mullinsandblake.com)  
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under the Internal Revenue Code or (II) promoting, marketing or recommending to another party any transaction or matter addressed herein



**Please Direct Mail To:**

802 W. Maple Ave  
Springdale, AR 72764  
P: (479) 750-2334  
F: (479) 750-2335

1420 S. 8<sup>th</sup> St  
Rogers, AR 72758  
P: (479) 335-5966

4516 Rogers Ave, Ste B-1  
Fort Smith, AR 72903  
P: (479) 434-1911

Arkansas State Claims Commission  
101 East Capitol Avenue, Suite 410  
Little Rock, AR 72201

October 24, 2024

Via Email: [ascc.new.claims@arkansas.gov](mailto:ascc.new.claims@arkansas.gov)

RE: Your Insured: Tyler Matthew Smith  
My Clients: Andrea Avilas Martinez & [REDACTED]  
D.O.L.: September 14, 2024

**Bradley Mullins, Esq**  
Licensed in Arkansas  
And Illinois  
[Bradley@mullinsandblake.com](mailto:Bradley@mullinsandblake.com)

**Roxanne D. Blake, Esq**  
Licensed in Arkansas  
And Oklahoma  
[Roxanne@mullinsandblake.com](mailto:Roxanne@mullinsandblake.com)

**Jacob Pesicek, Esq**  
Licensed in Arkansas  
[Jacob@mullinsandblake.com](mailto:Jacob@mullinsandblake.com)

**Mayra Palacios**  
Director of Operations  
[Mayra@mullinsandblake.com](mailto:Mayra@mullinsandblake.com)

Dear Claims Department:

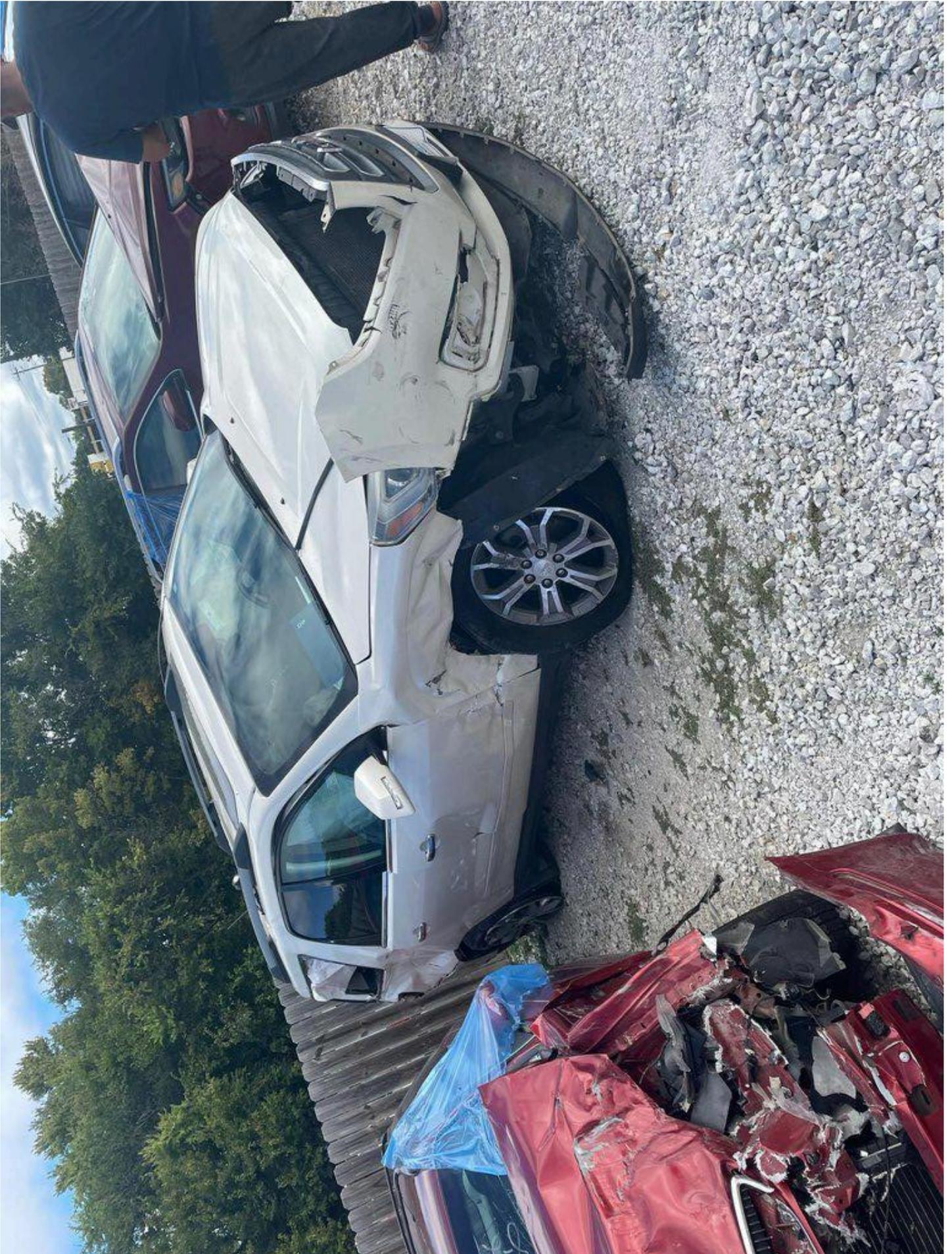
Please be advised our client's vehicle is a total loss, the airbags deployed. Due to the vehicle not being drivable our client is unable to get an estimate and will need a vehicle evaluation. Please see attached below the vehicle property damage pictures, our letter of representation, and the complaint form. Please let us know if anything else is needed.

Sincerely,

*Lissbeth Rivera*

Lissbeth Rivera  
Case Manager

LR/fk  
Attachments









MULLINS & BLAKE  
ATTORNEYS

Please Direct Mail To:

802 W. Maple Ave  
Springdale, AR 72764  
P: (479) 750-2334  
F: (479) 750-2335

1420 S. 8<sup>th</sup> St  
Rogers, AR 72758  
P: (479) 335-5966

4516 Rogers Ave, Ste B-1  
Fort Smith, AR 72903  
P: (479) 434-1911

**Bradley Mullins, Esq**  
Licensed in Arkansas  
And Illinois  
Bradley@mullinsandblake.com

**Roxanne D. Blake, Esq**  
Licensed in Arkansas  
And Oklahoma  
Roxanne@mullinsandblake.com

**Jacob Pesicek, Esq**  
Licensed in Arkansas  
Jacob@mullinsandblake.com

**Mayra Palacios**  
Director of Operations  
Mayra@mullinsandblake.com

Arkansas State Claims Commission  
101 East Capitol Avenue, Suite 410  
Little Rock, AR 72201

Via Email: ascc.new.claims@arkansas.gov

RE: Your Insured: Tyler Matthew Smith  
My Clients : Andrea Aviles Martinez &  
D.O.L.: [REDACTED]  
September 14, 2024

September 25, 2024

Dear Claims Department:

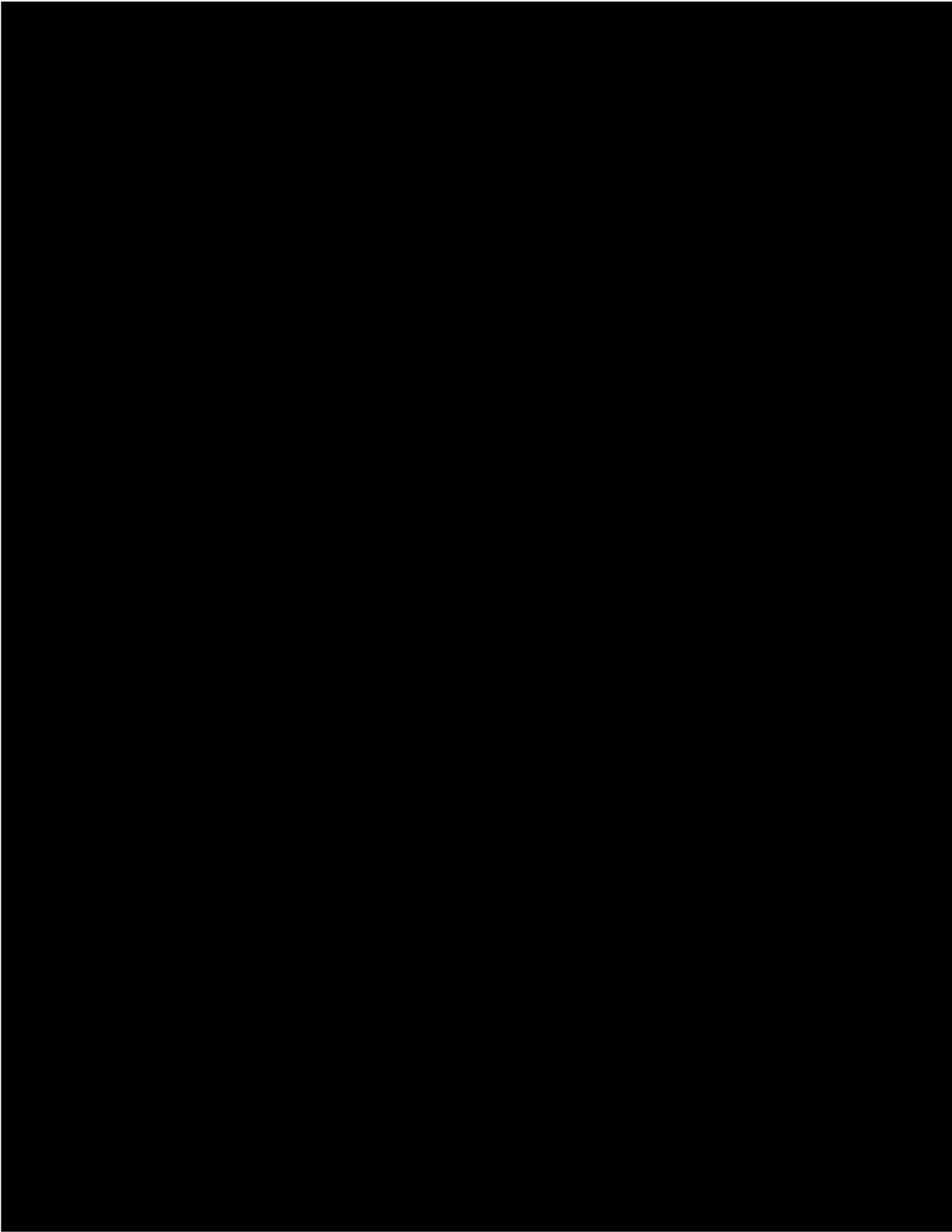
Please be advised that the above tort victims have retained this law firm to represent them for their tort claim resulting from the above-referenced auto collision. I have attached a copy of the collision report for your convenience. I would appreciate your assistance in forwarding all future correspondence to our attention at the above address. Furthermore, our clients expressly withdraw any authorizations or releases that they have previously signed. If you have taken our client's statements, please forward a copy to our attention at your earliest convenience. If you have not taken our client's statement, please advise in writing. In the event you have had the opportunity to photograph our client's vehicle, please make those photos available to me. Also, please advise the location of your insured's vehicle so that we may go and photograph immediately. If you do not allow us to photograph your insured's vehicle, our law firm will request an instruction on spoliation at trial. Please advise whether any other additional coverages may exist that would apply to my client in regards to this accident under the above-identified policy. Thank you for your attention to these matters.

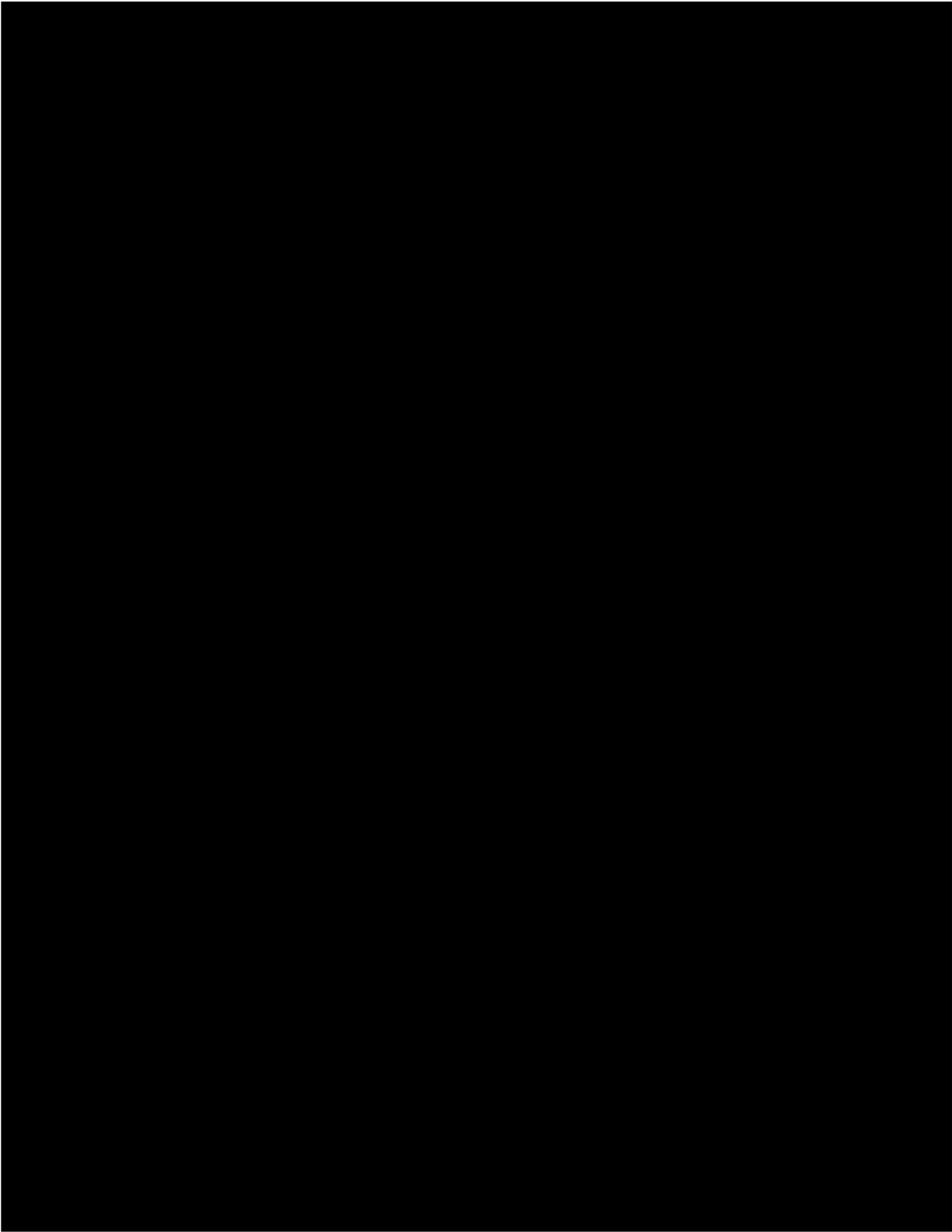
Sincerely,

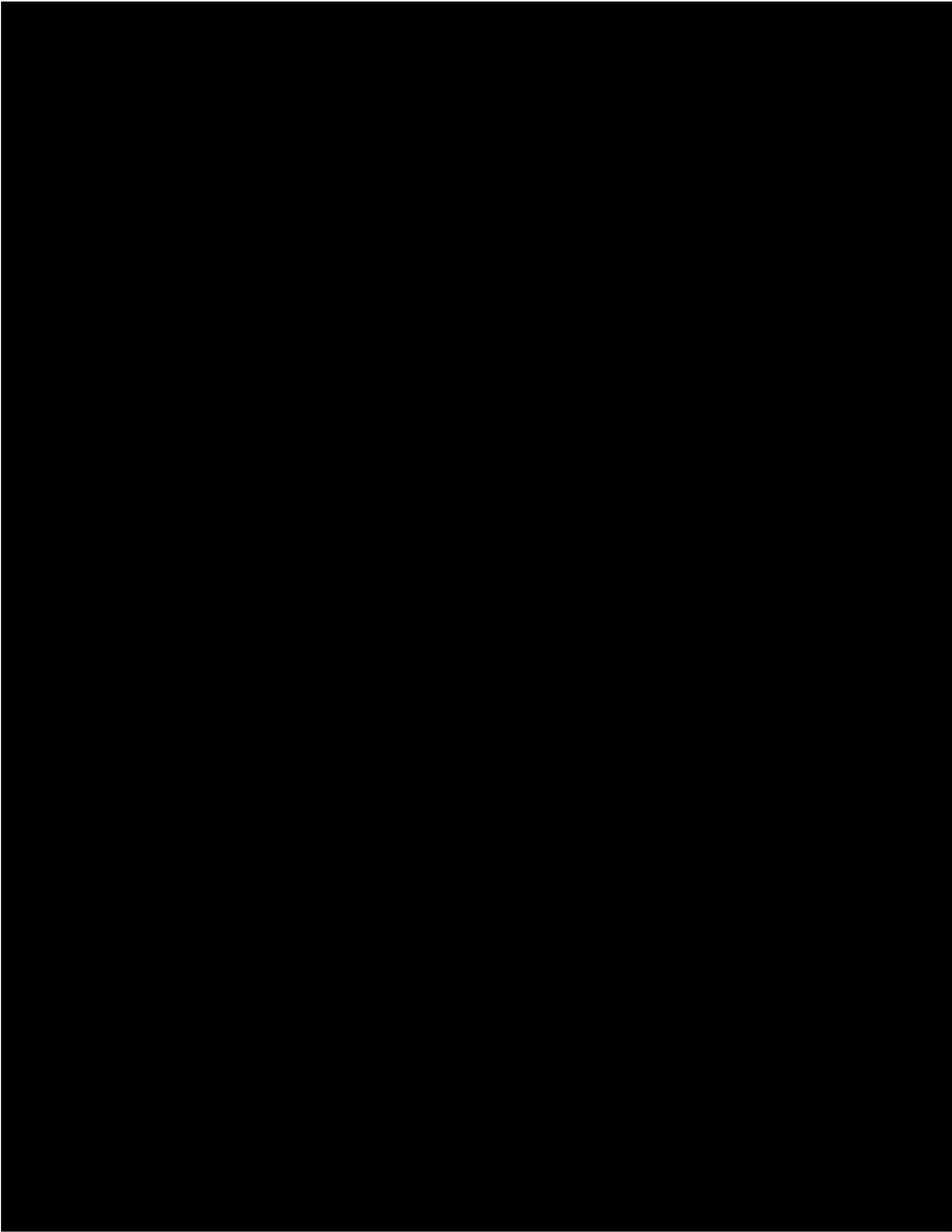
*Lissbeth Rivera*

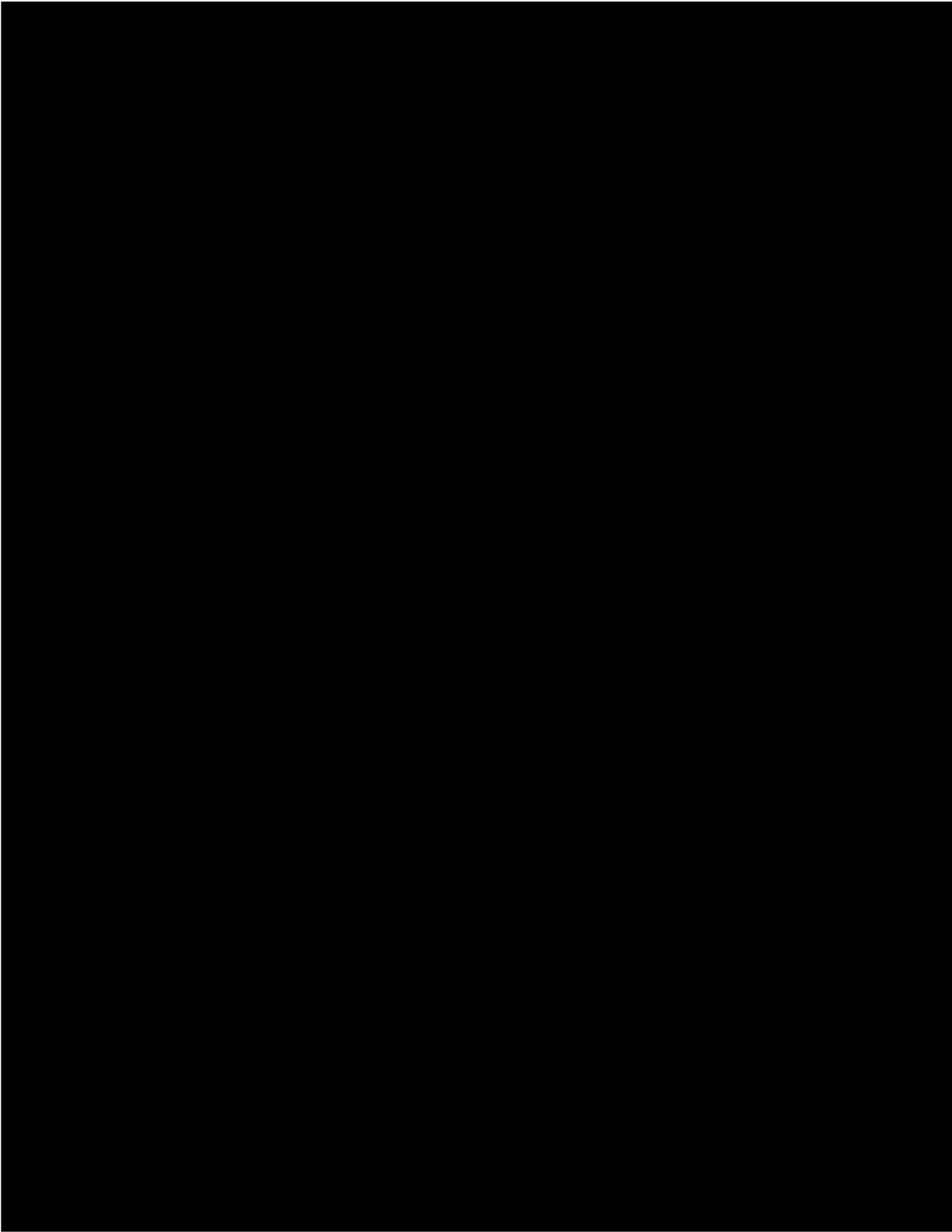
Lissbeth Rivera  
Case Manager

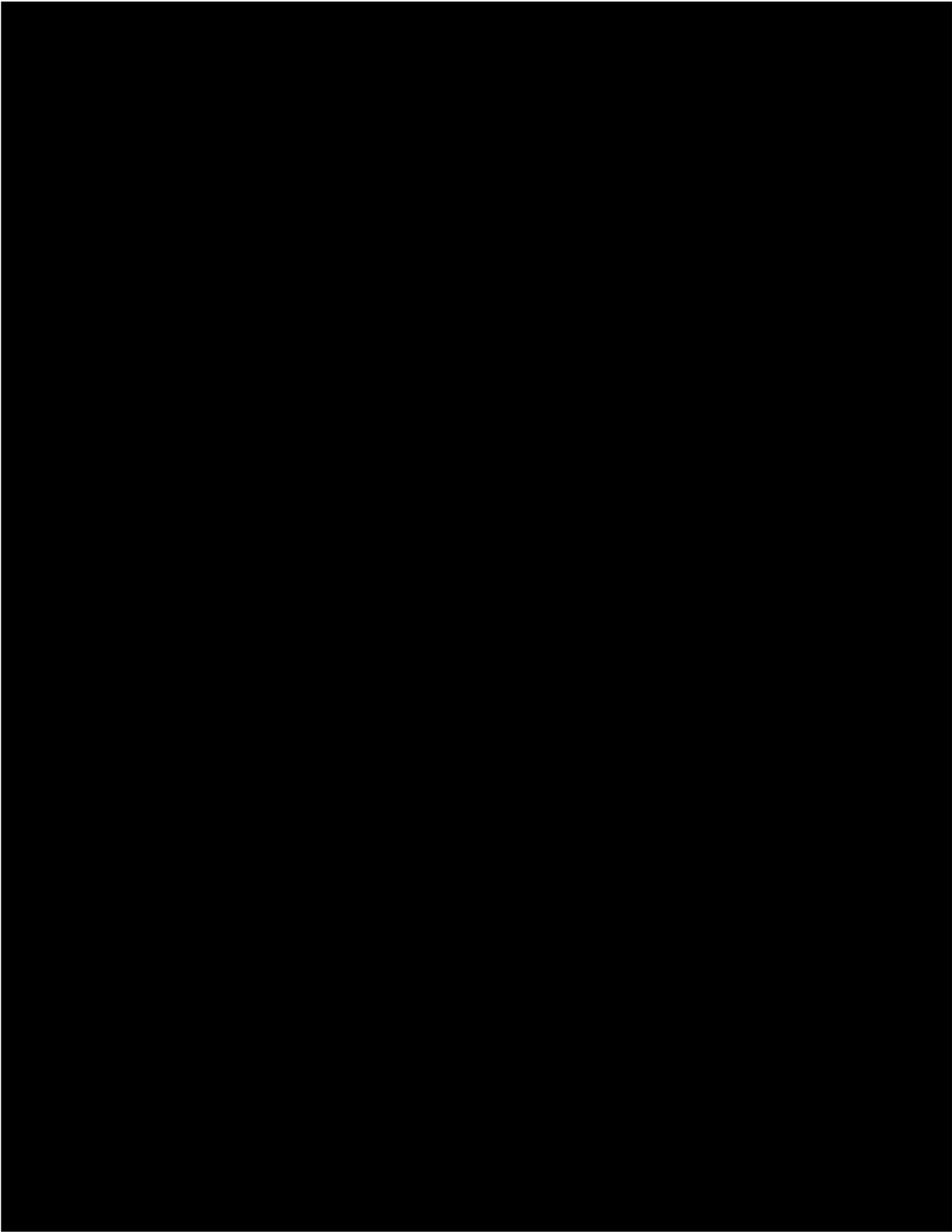
Attachment

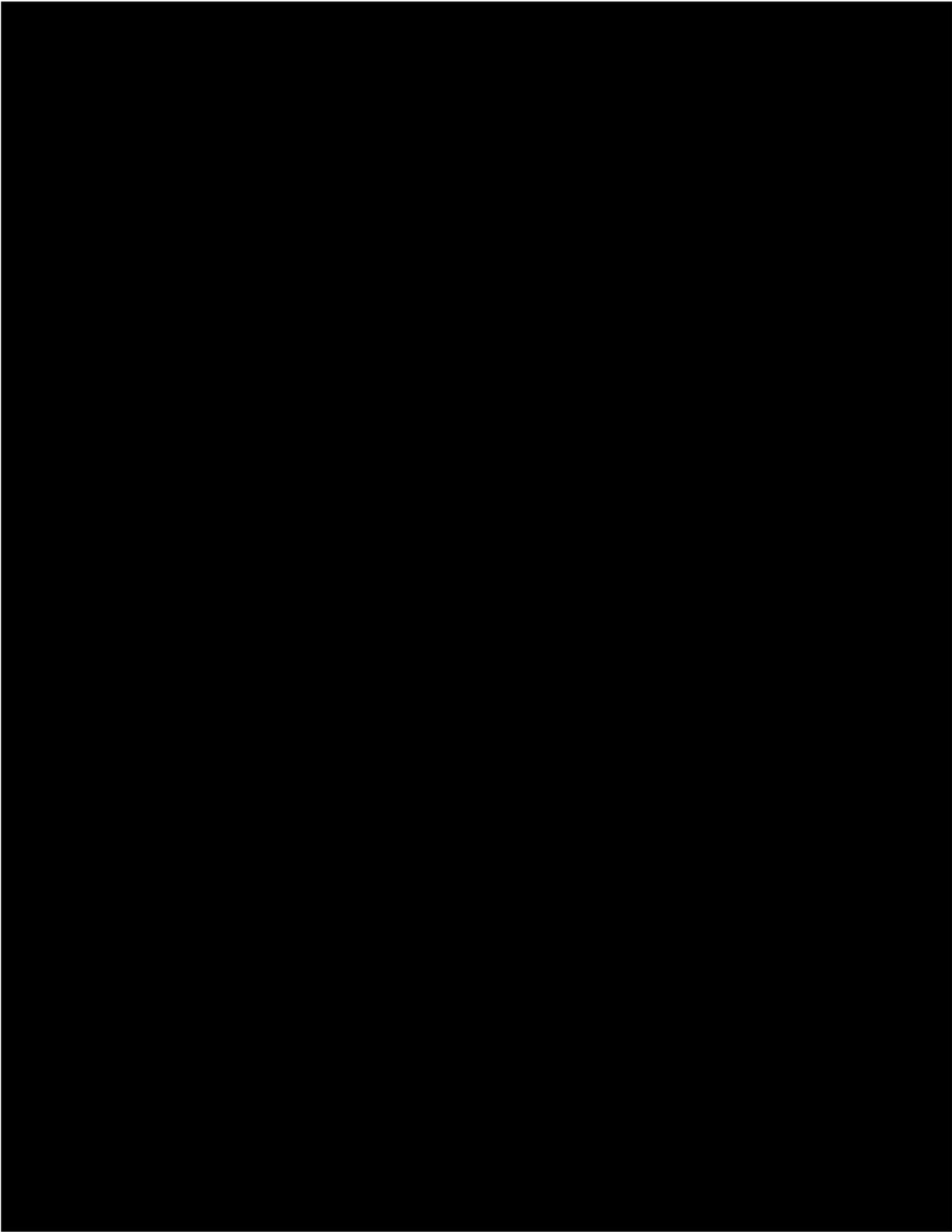


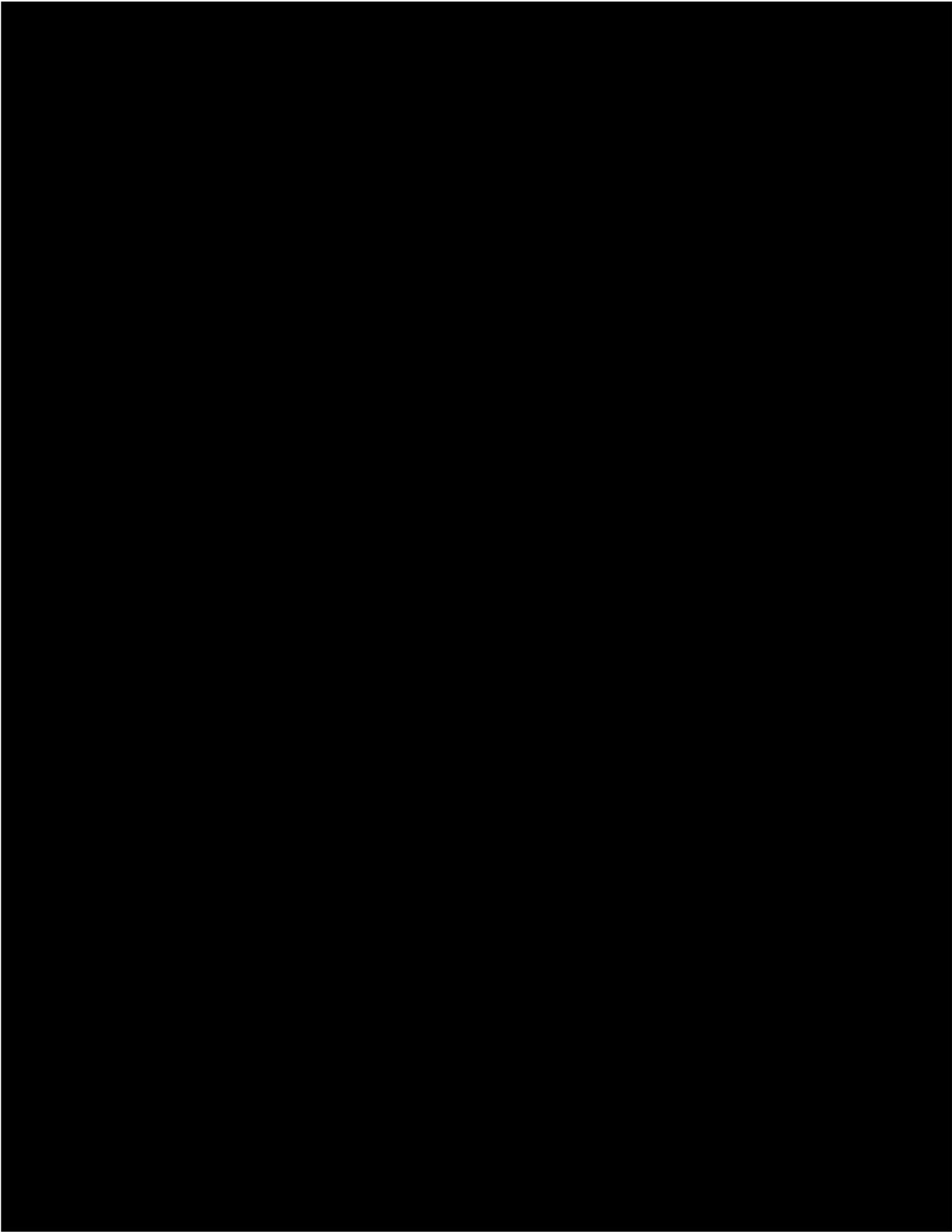


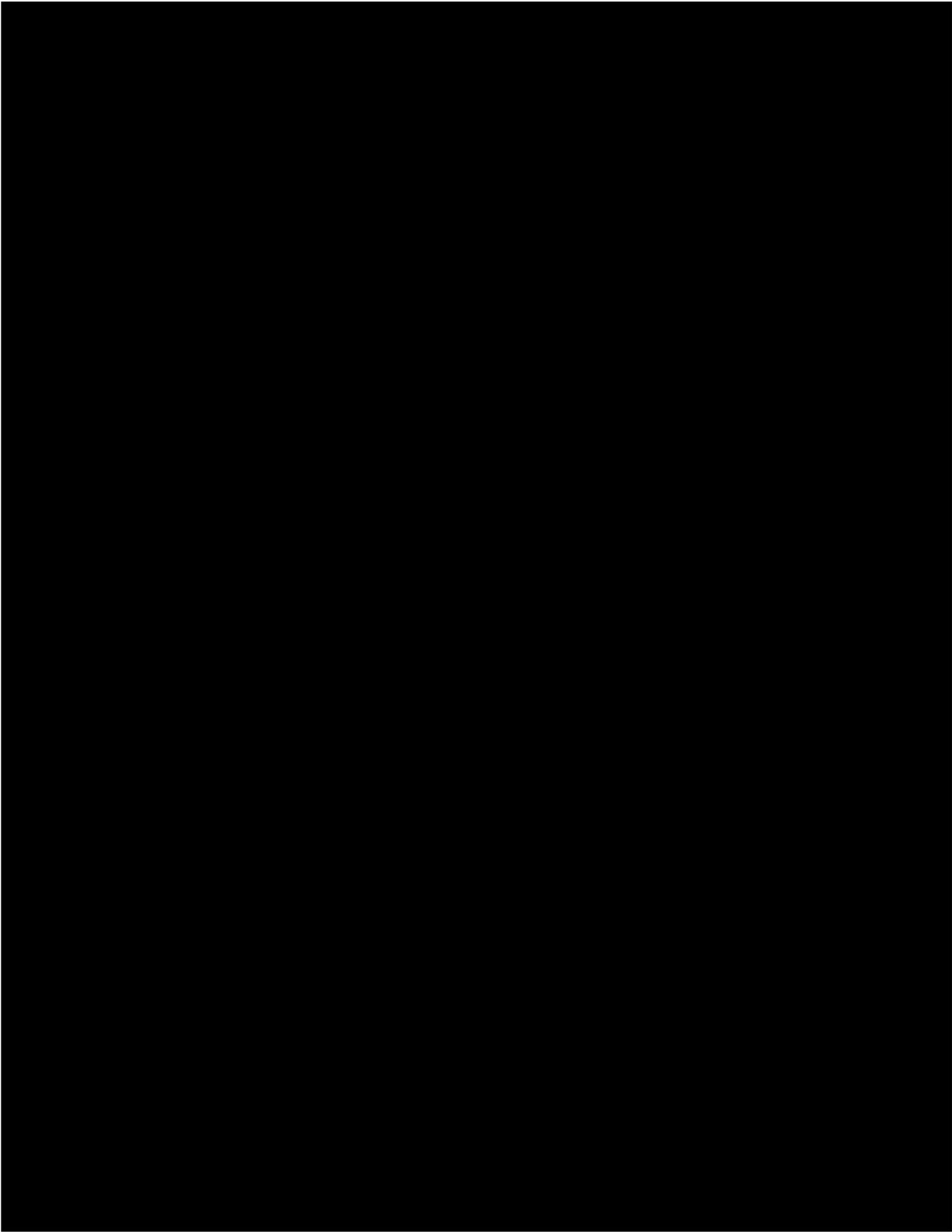


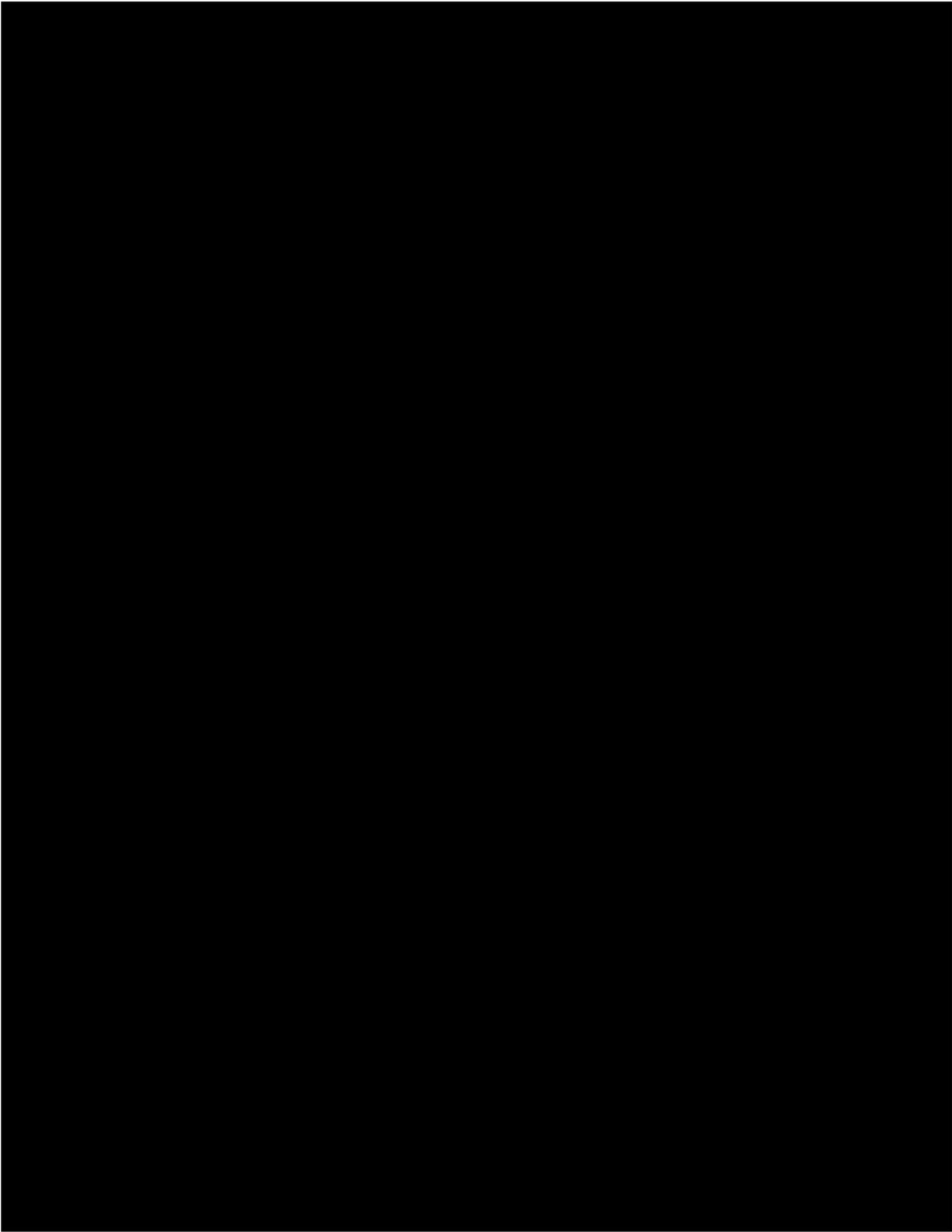


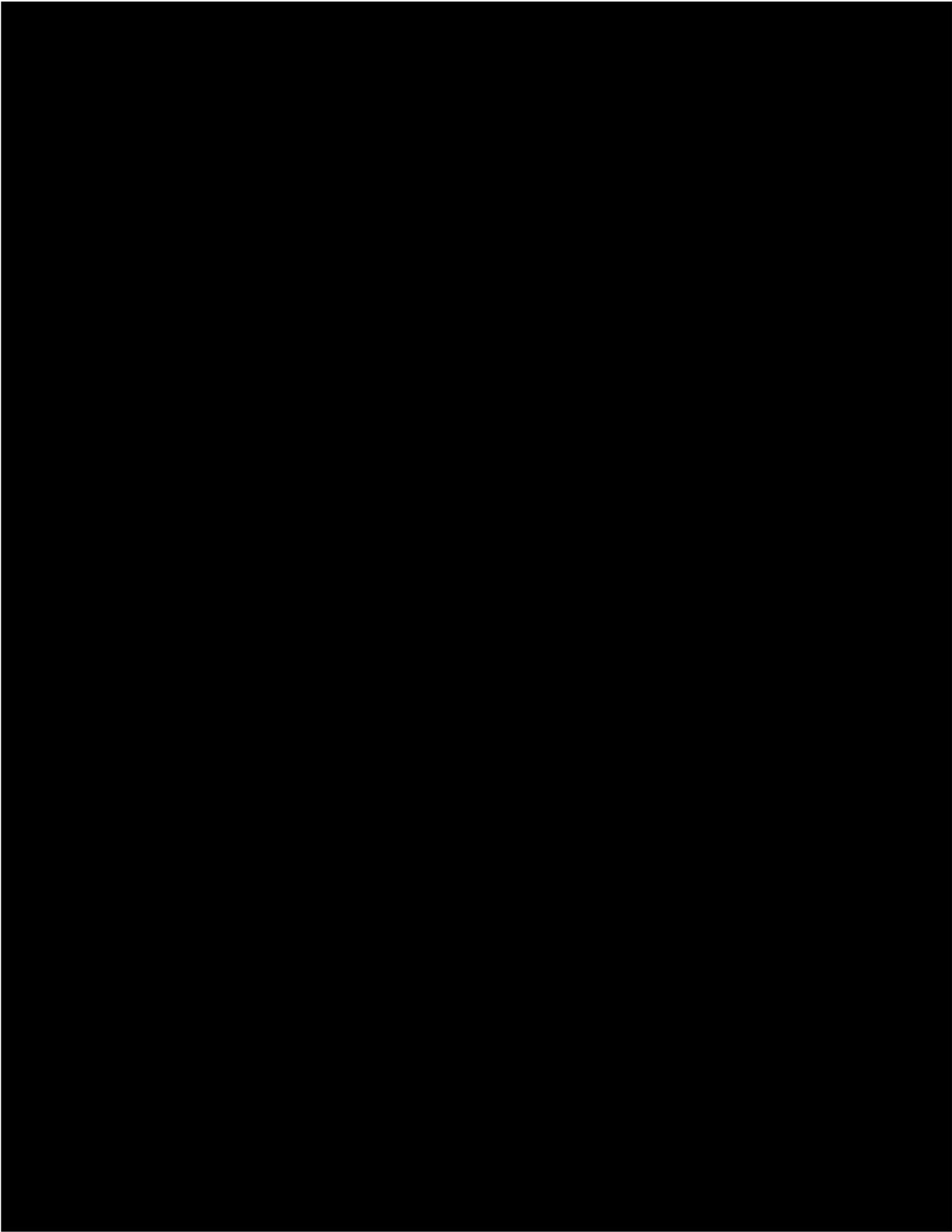


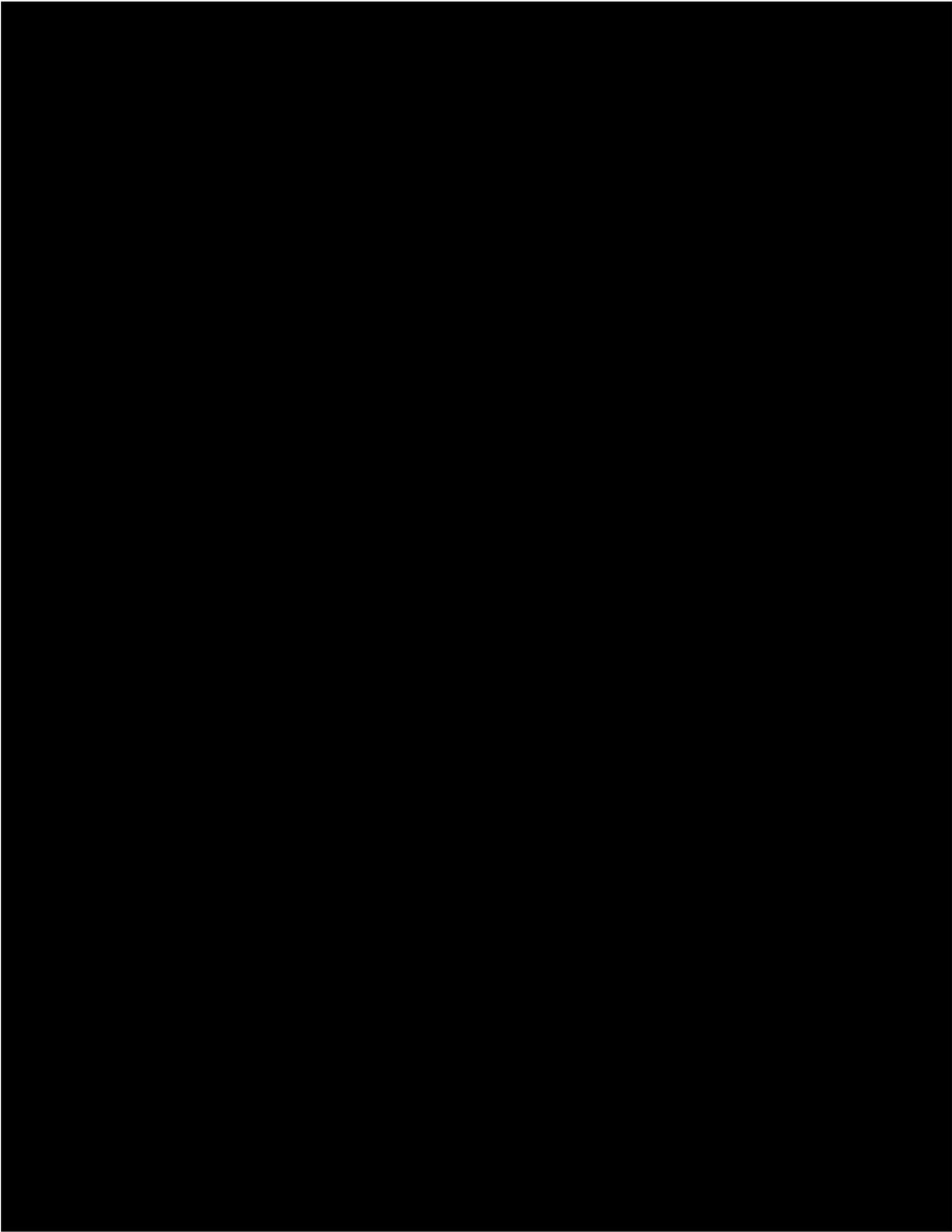


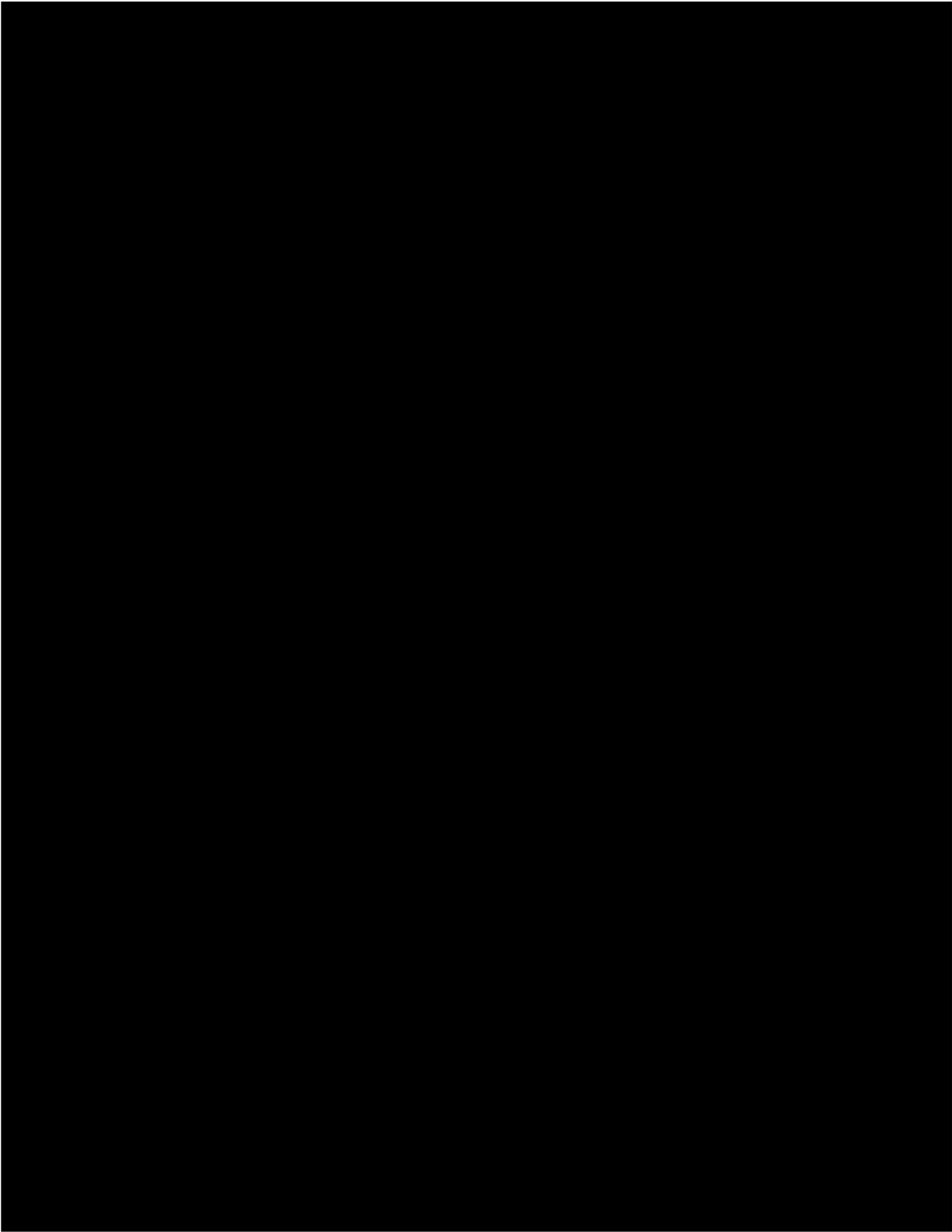


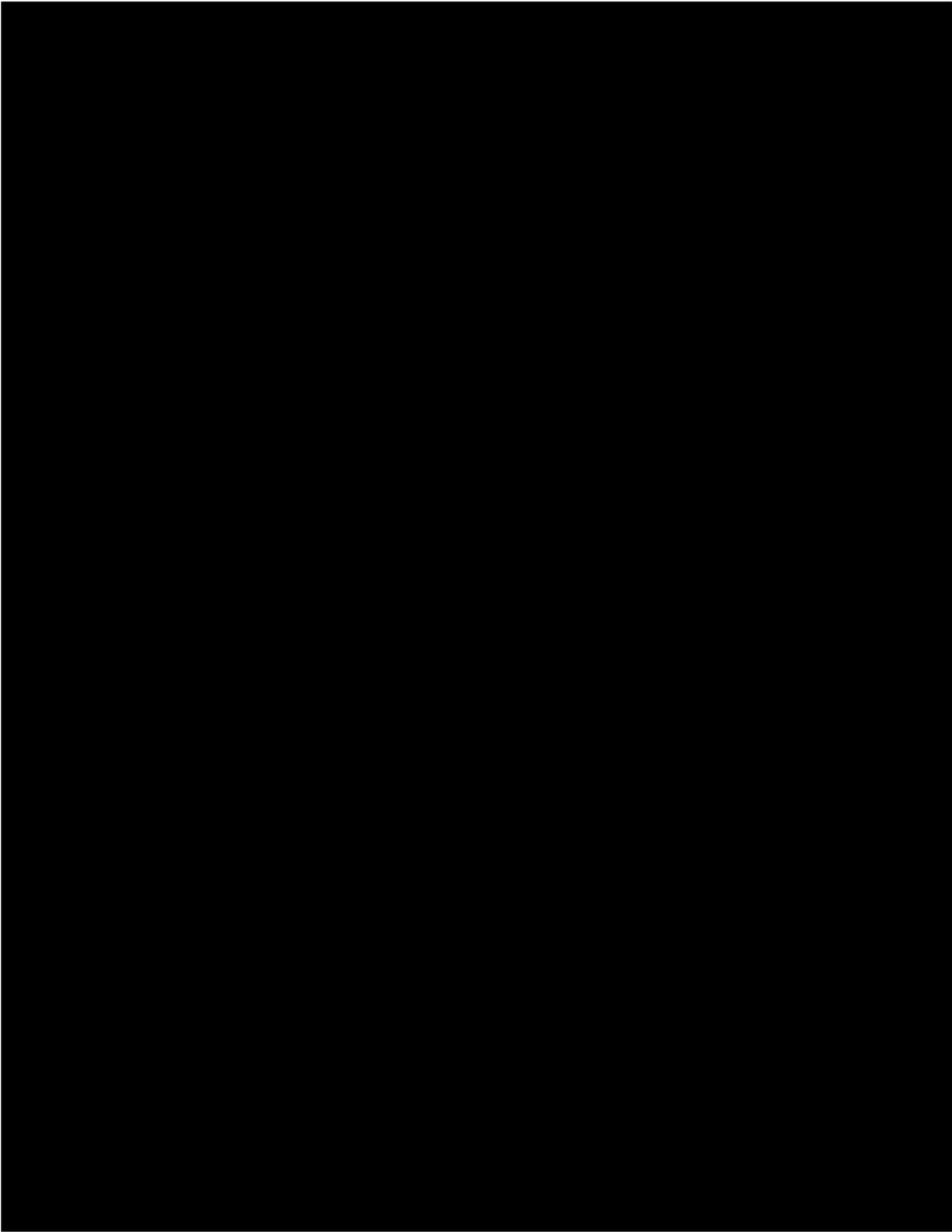












ARKANSAS CLAIMS COMMISSION

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



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

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

CLAIM FORM

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

Mrs Aviles Martinez Andrea Cristina N/A  
(title) (last name/name of company) (first name) (email)

[Redacted address and phone information]

- 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.

Attorney Mullins Bradley bradley@mullinsandblake.com  
(title) (last name) (first name) (email)  
802 W Maple Ave 2012176  
(address) (AR bar number)  
Springdale AR 72764 (479)750-2334  
(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 State Police

4. **Date of Incident** 10/24/2024

5. **Location of Incident** W. Huntsville Ave

- 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.

Andrea Aviles Martinez was passing through a greenlight, when she was tboned by the state trooper, who ran a red light.

- 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 the incident, **CHECK HERE.**

- 10. Additional Required Documents for Property Damage Claims.** 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 in this incident,** please provide the following information:

2023 Dodge Charger

(type of state vehicle involved)

[REDACTED]  
(license number)

[REDACTED]  
(driver)

- 12. CHECK HERE** if this claim involves **personal injuries.**

- 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, **CHECK HERE.**

- 14. Amount of Damages, if known:** \_\_\_\_\_

#### 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](http://arclaimscommission.arkansas.gov)). The Arkansas Rules of Civil Procedure can be found online ([arcourts.gov](http://arcourts.gov)) under "Info & Resources."

**STOP HERE!**

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.

**Signature Page for Claim Filed by an Individual Claimant**

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.

*Andrea Aviles Martinez*

Claimant Signature

**ACKNOWLEDGEMENT**

State of Arkansas

County of Washington

On this the 30 day of September, 2024, before me, the undersigned notary, personally appeared Andrea Aviles Martinez 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.

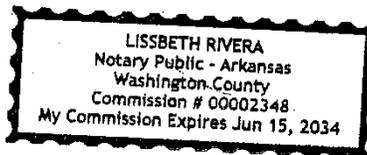
In witness whereof I hereunto set my hand and official seal.

*Lisbeth Rivera*

Signature of Notary Public

[seal of office]

My Commission Expires: June 15, 2034



**From:** [ASCC New Claims](#)  
**To:** "Faith Ketcher"; [bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)  
**Bcc:** [Kathryn Irby](#)  
**Subject:** Andrea Aviles Martinez and [REDACTED], Claim No. 250440 - deficient  
**Date:** Monday, October 28, 2024 10:08:00 AM  
**Attachments:** [Outlook-fmakebb2.png](#)  
[Signed PD Estimate Letter to 3rd.pdf](#)

---

Dear Ms. Ketcher,

We have received the attached documents, and have added the documents to the claim. However, this claim will remain in deficient status until we receive the insurance declarations – these provide information about your clients coverages, limits and deductibles.

Please send this documentation to our office. The other claim documents will be retained here to be filed upon receipt of the requested documentation.

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:** Faith Ketcher <[Faith@mullinsandblake.com](mailto:Faith@mullinsandblake.com)>  
**Sent:** Thursday, October 24, 2024 1:48 PM  
**To:** ASCC New Claims <[ascc.new.claims@arkansas.gov](mailto:ascc.new.claims@arkansas.gov)>  
**Cc:** Bradley Mullins <[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)>; Lissbeth Rivera <[lissbeth@mullinsandblake.com](mailto:lissbeth@mullinsandblake.com)>  
**Subject:** New Claim

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REF: Andre Avilas Martinez & [REDACTED]

Good afternoon,

Please see attached, our letter of representation, the complaint, the property damage

pictures and a letter with an explanation of why the estimate cannot be obtained.

Please advise if anything else is needed.

Thank you.

*Faith Ketcher*

*Legal Assistant*

Mullins & Blake Attorneys

802 West Maple Avenue

Springdale, AR 72764

[faith@mullinsandblake.com](mailto:faith@mullinsandblake.com)

P: 479-750-2334

F: 479-750-2335

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**From:** [Lissbeth Rivera](#)  
**To:** [ASCC New Claims](#)  
**Cc:** [Mayra Palacios](#); [Bradley Mullins](#)  
**Subject:** Andrea Aviles Martinez and [REDACTED] Ins Dec - 250440  
**Date:** Thursday, November 21, 2024 3:09:42 PM  
**Attachments:** [Outlook-ogu2lzch.png](#)  
[PIP DEC PAGES.pdf](#)

You don't often get email from [lissbeth@mullinsandblake.com](mailto:lissbeth@mullinsandblake.com). [Learn why this is important](#)

REF: Andrea Aviles Martinez & [REDACTED]

Good Afternoon,

Please see attached our client's declaration pages, as requested.

Please advise if anything else is needed.

Thank you,

*Lissbeth Rivera*

**Case Manager**

**Mullins & Blake, PLLC**

802 W Maple Ave

Springdale, AR 72764

[lissbeth@mullinsandblake.com](mailto:lissbeth@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335

[Website](#) | [Facebook](#)



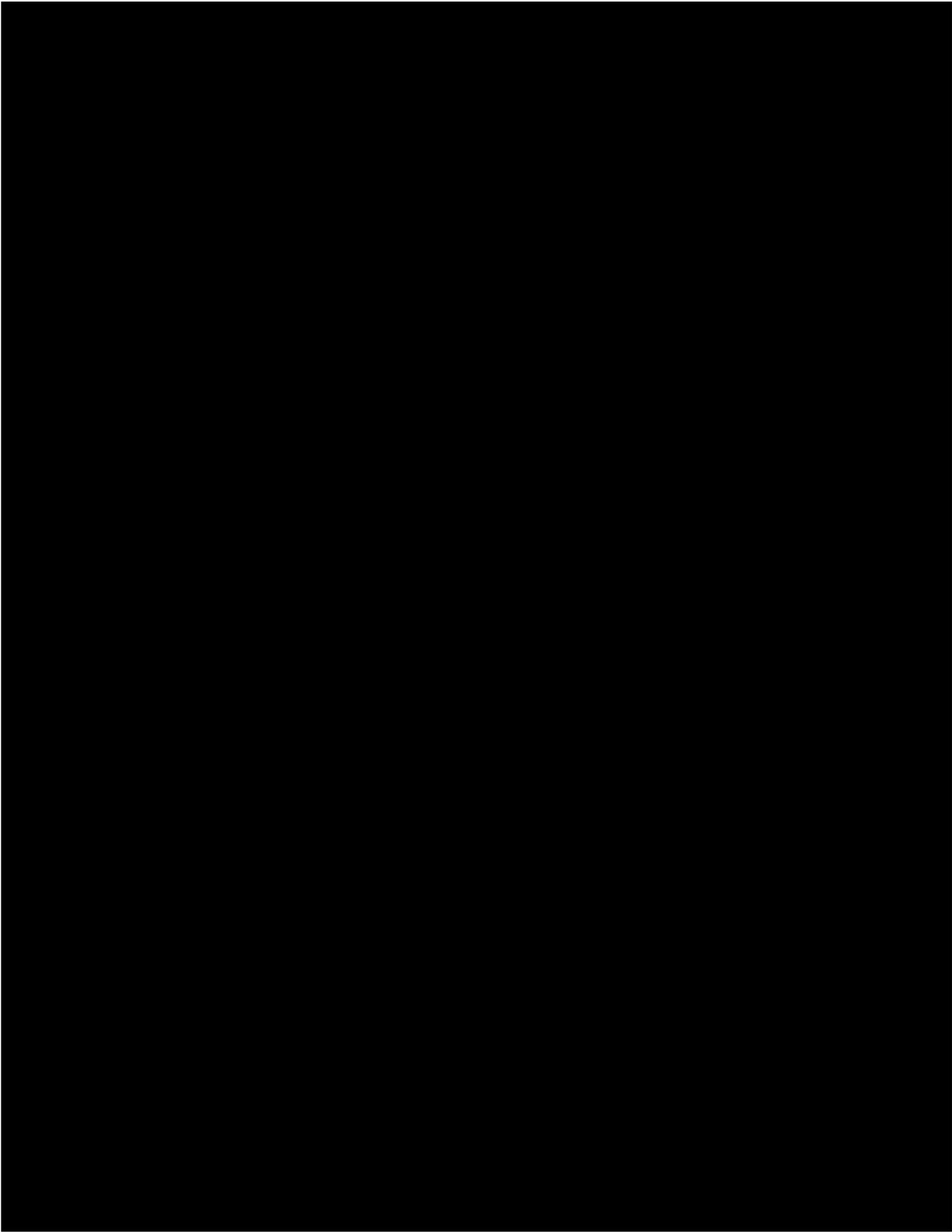
**CONFIDENTIALITY STATEMENT:**

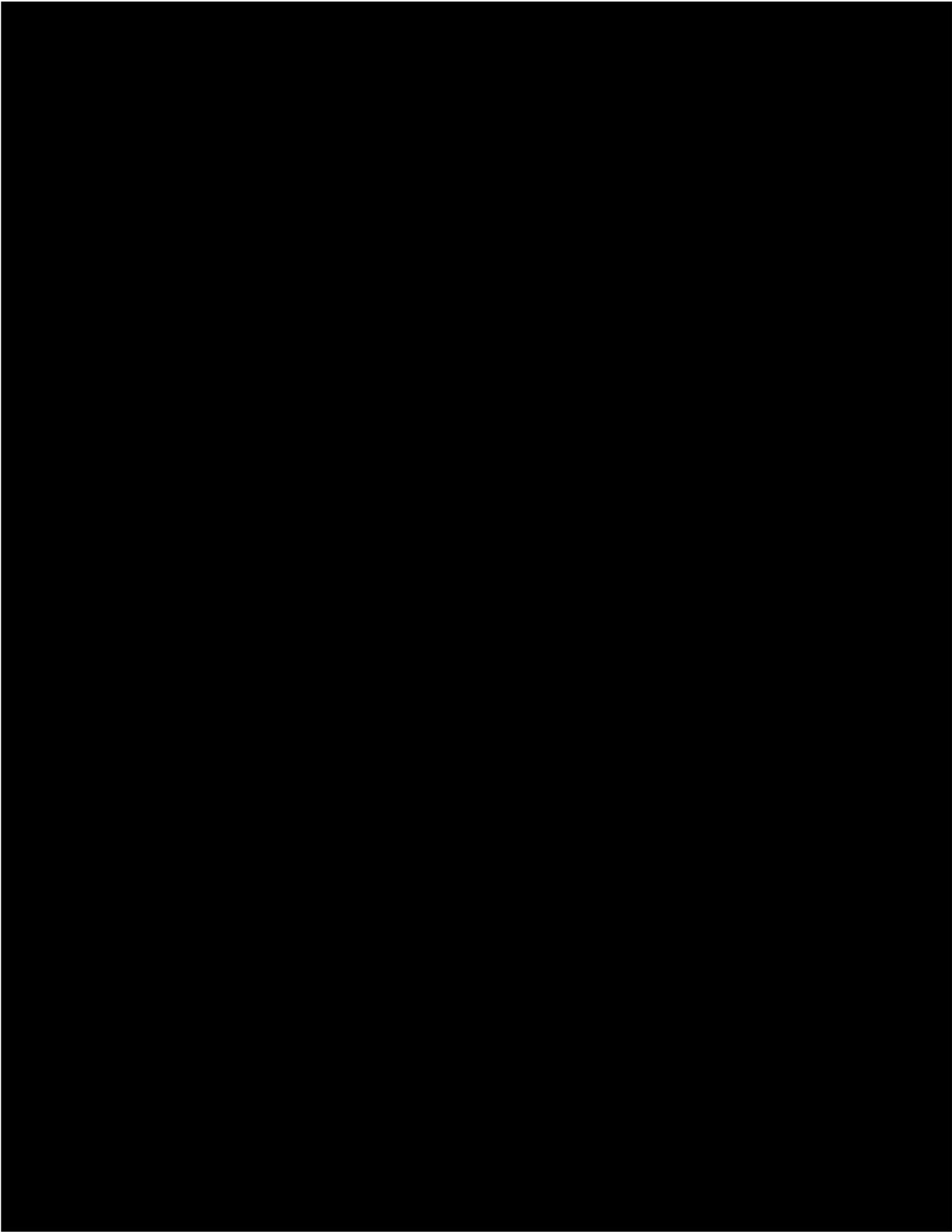
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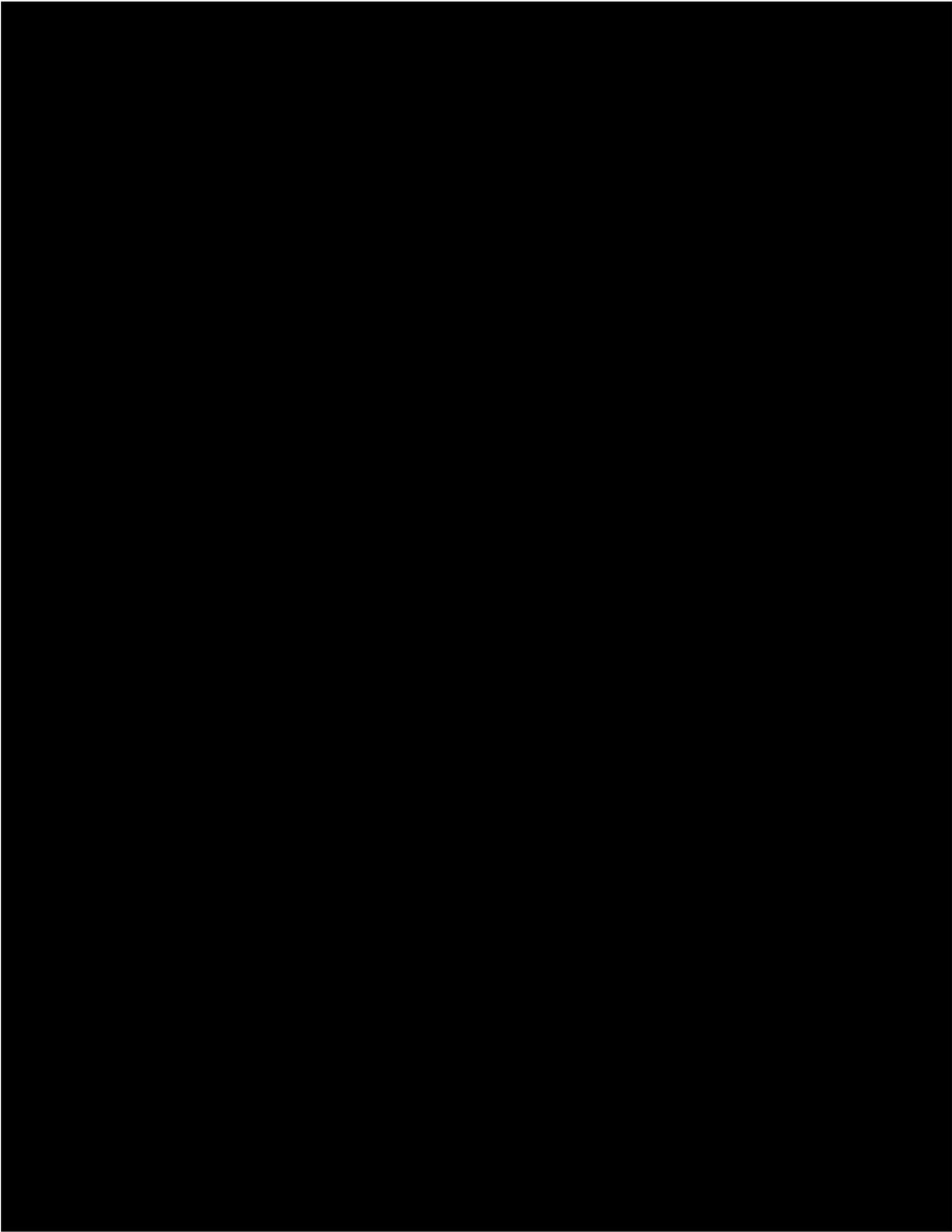
**DISCLOSURE:**

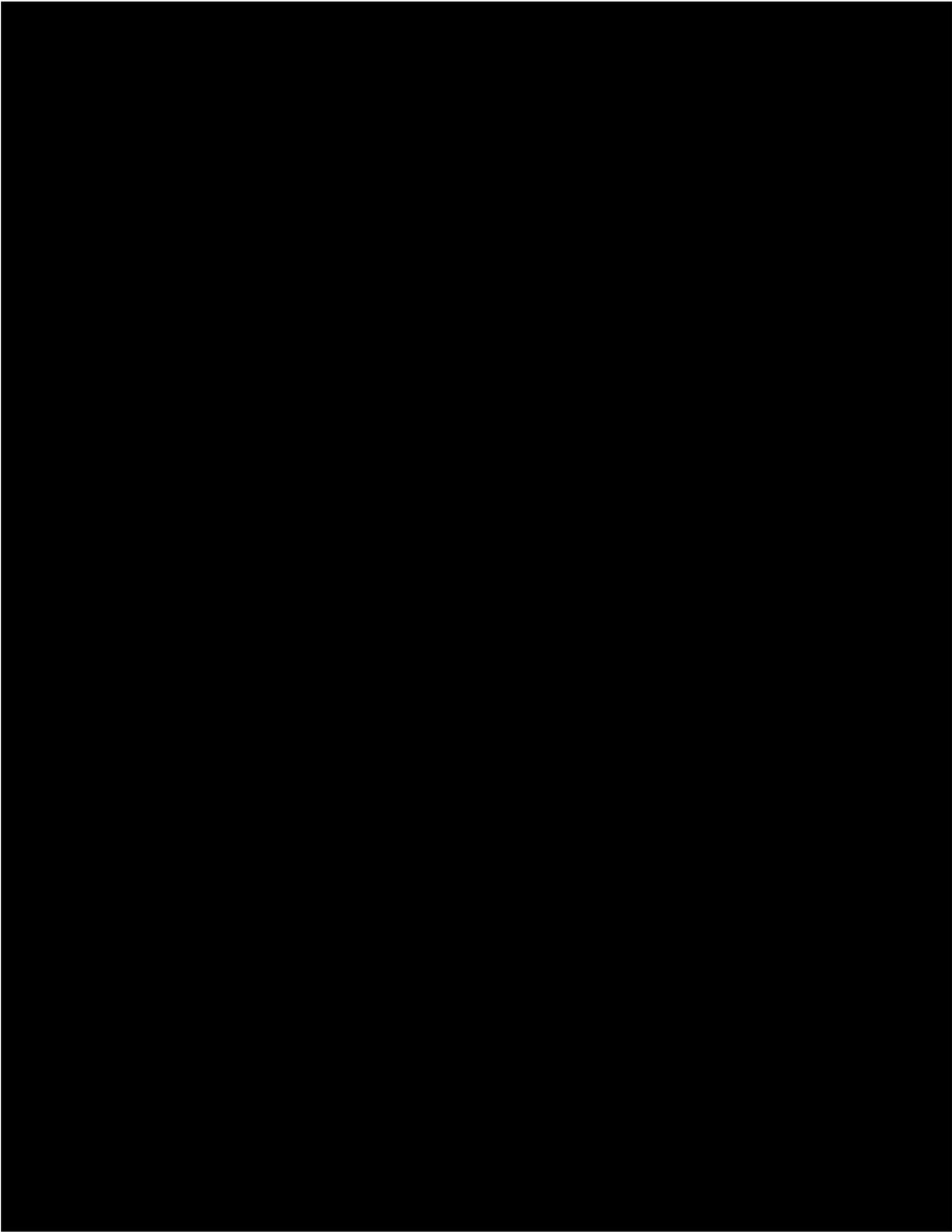
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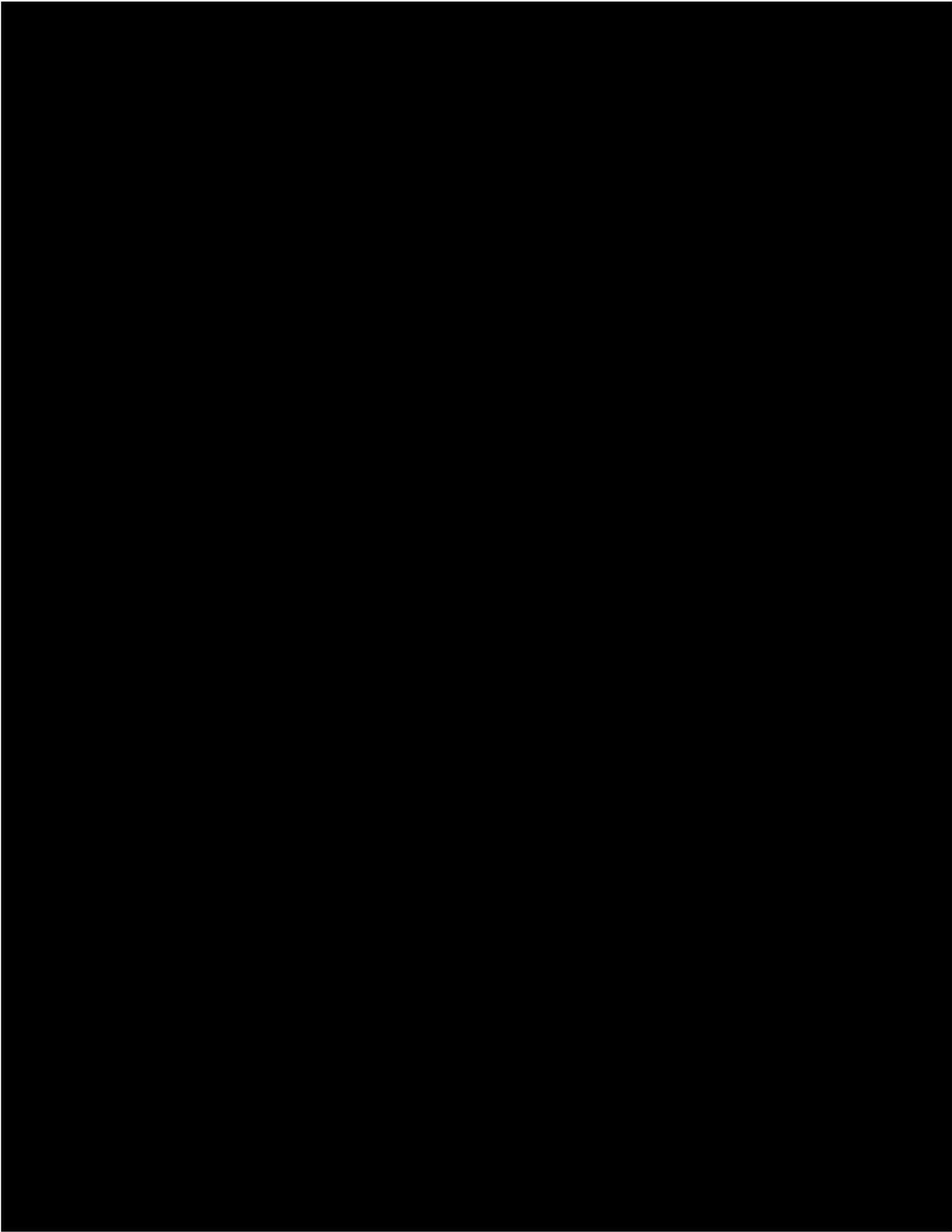
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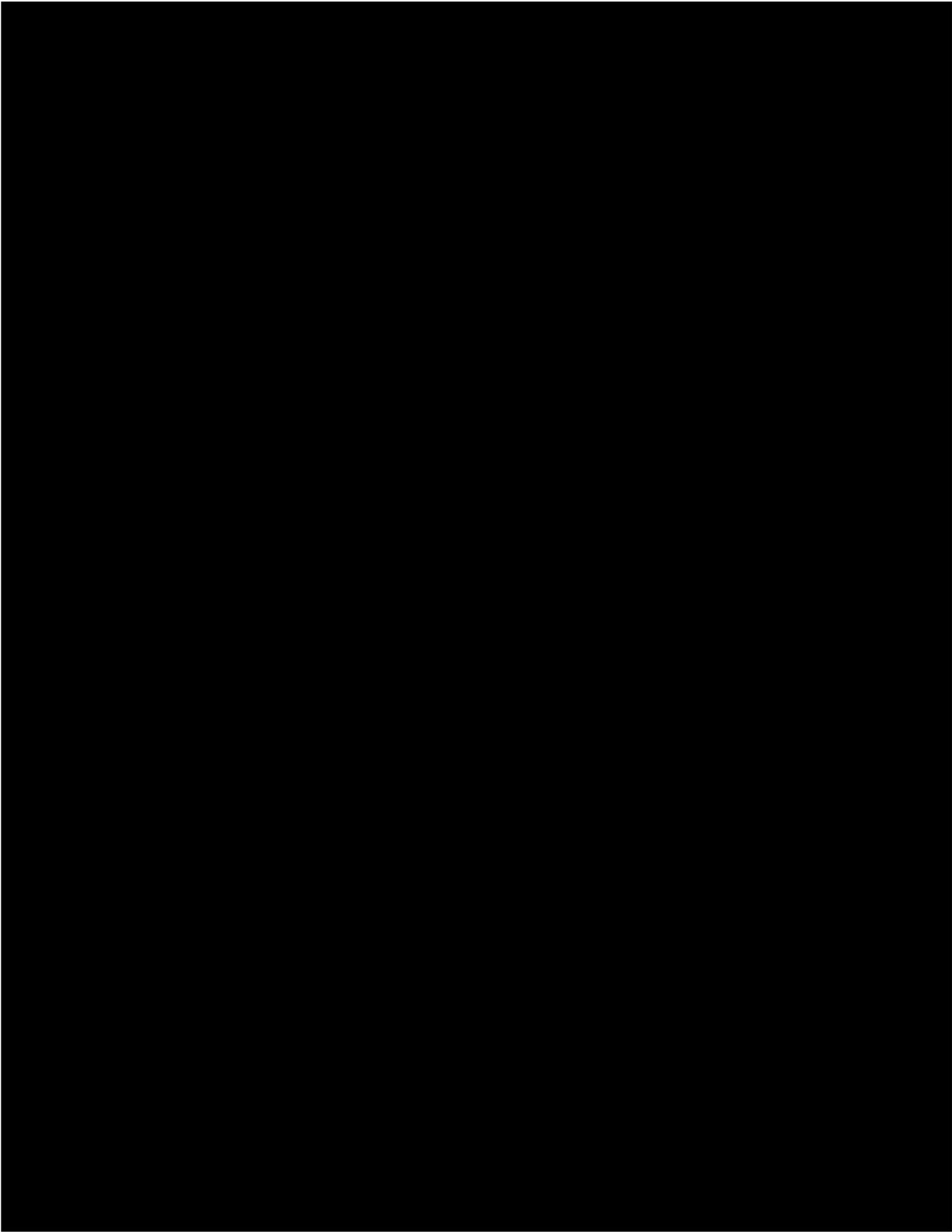


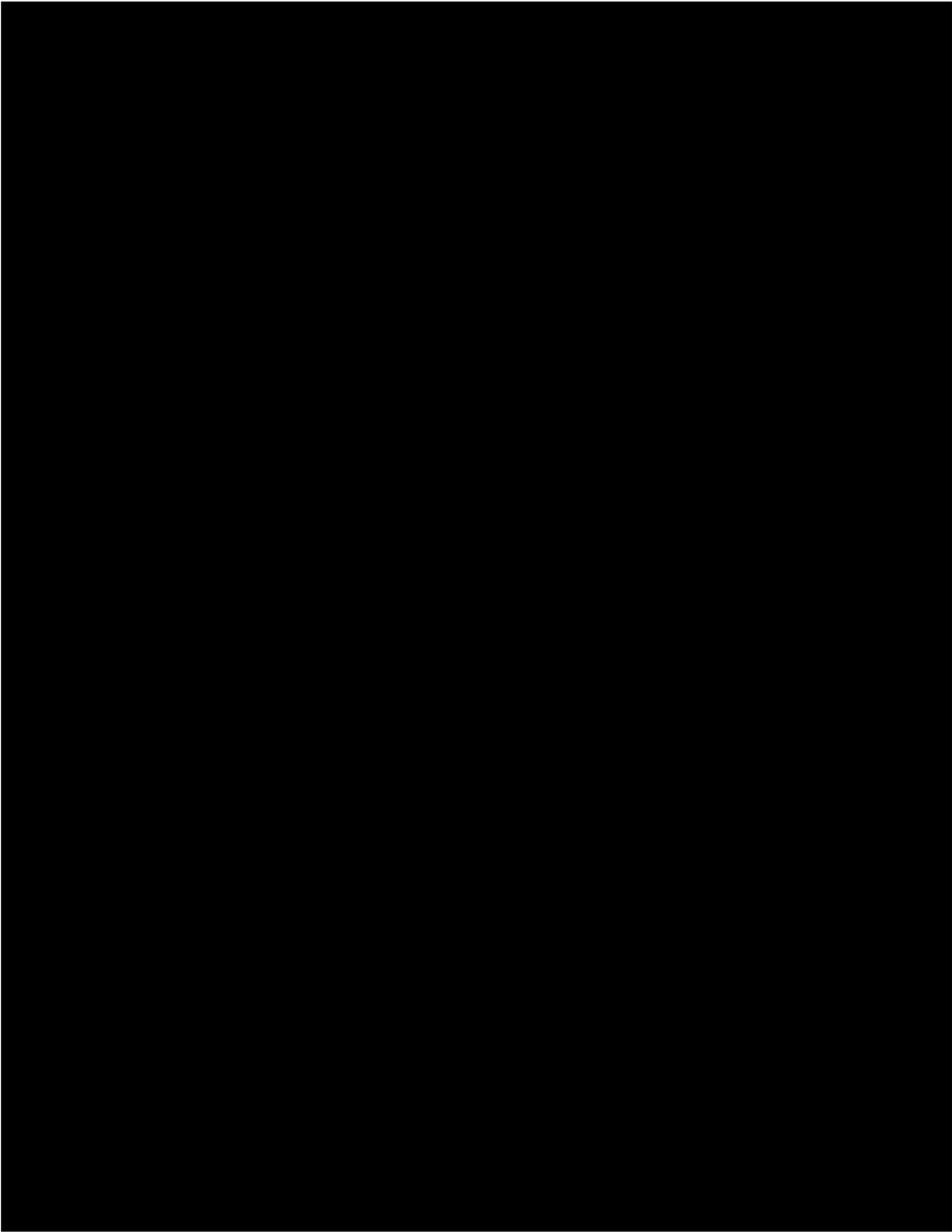


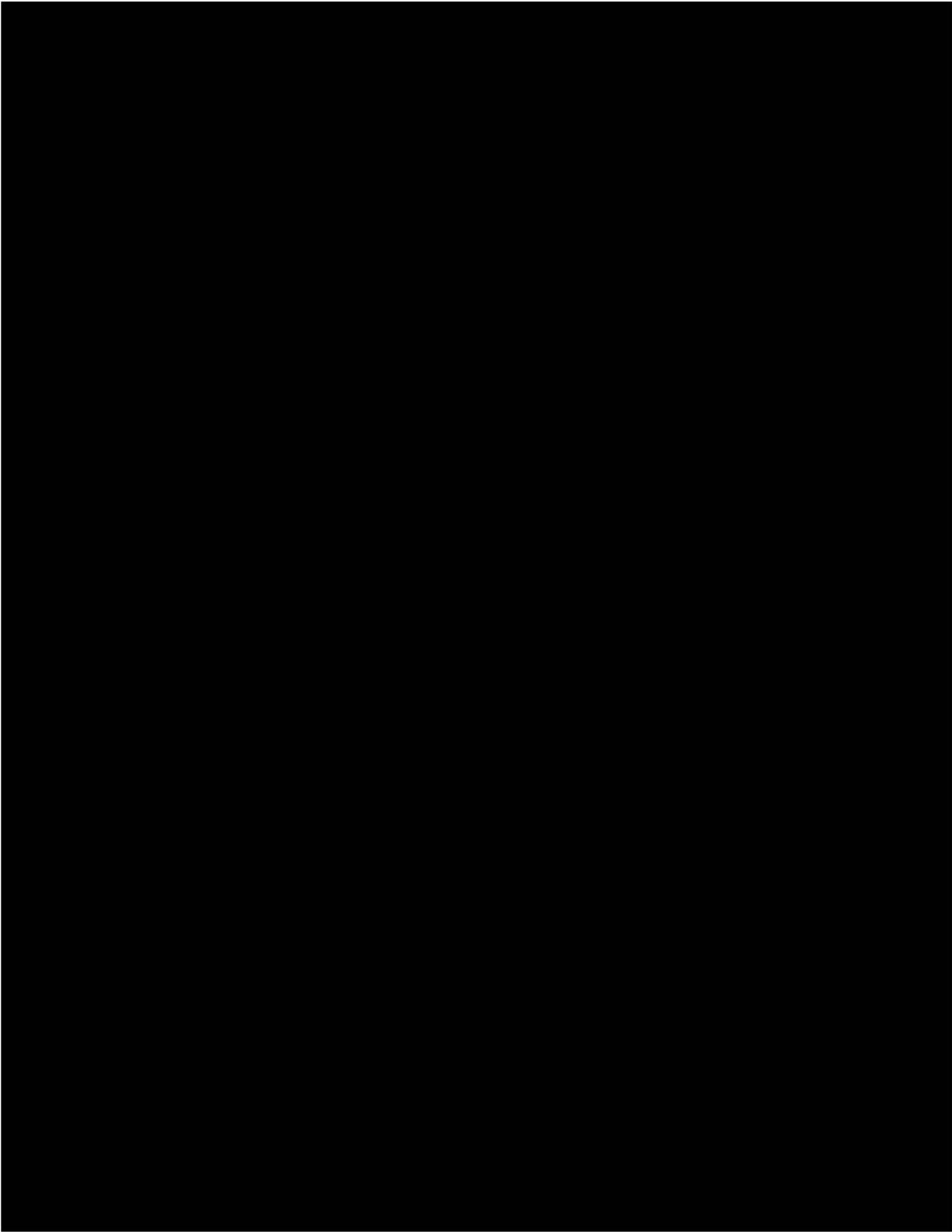


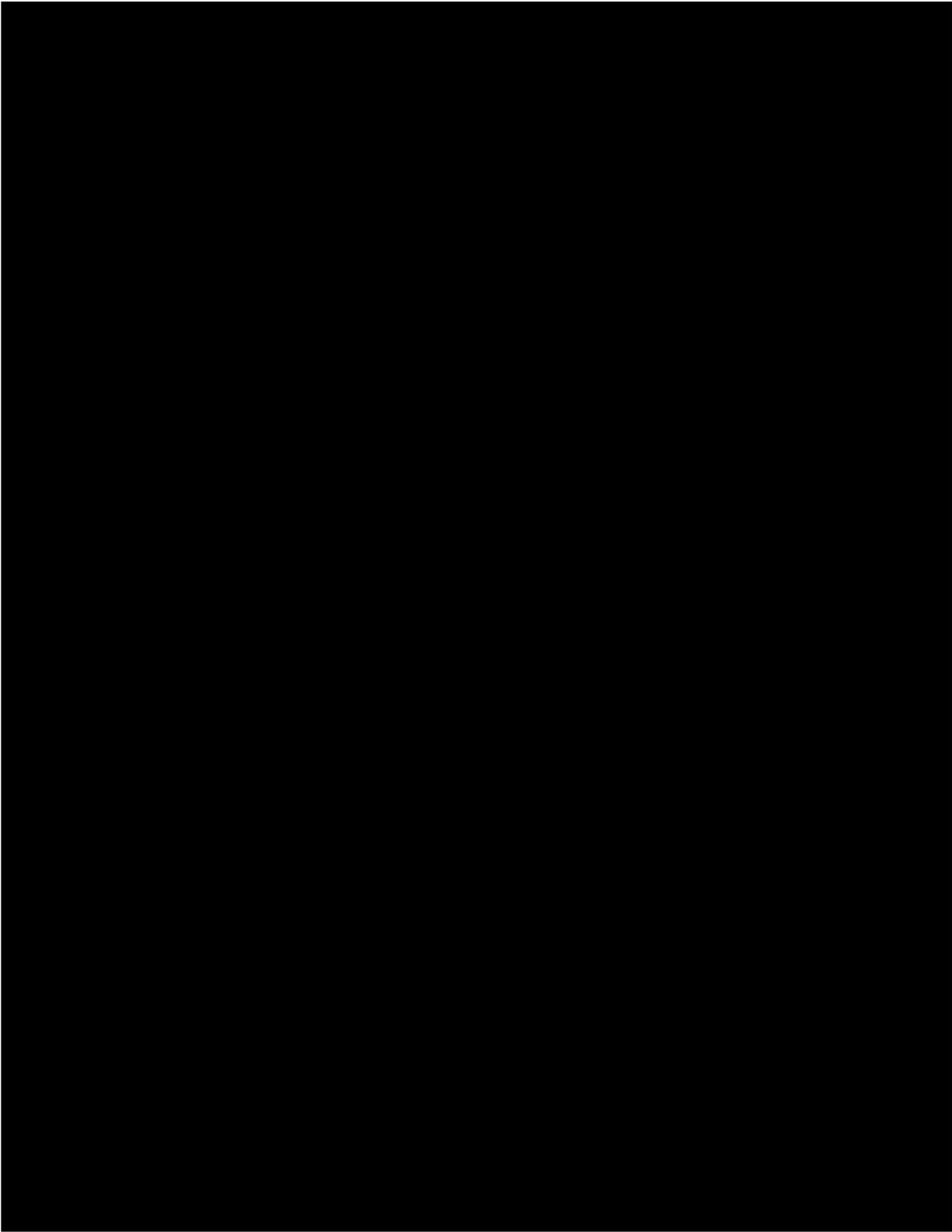












**From:** [Paige Eaves](#)  
**To:** [ASCC New Claims](#)  
**Subject:** Andrea Aviles Martinez and [REDACTED] Demand - 250440  
**Date:** Thursday, December 12, 2024 11:15:31 AM  
**Attachments:** [Demand.pdf](#)

---

You don't often get email from paige@mullinsandblake.com. [Learn why this is important](#)

Hey Caitlin!

Attached is the demand for our client, Andrea Aviles Martinez.

Please let me know if you need anything else to get this evaluated.

Thanks so much,

*Paige Eaves*

*Paralegal*

**Mullins & Blake, PLLC**

802 West Maple Avenue

Springdale AR 72764

[Paige@mullinsandblake.com](mailto:Paige@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335 | T 479.358.1998

[Website](#) | [Facebook](#)

[Click here](#) to write a review

**From:** [Paige Eaves](#)  
**To:** [ASCC New Claims](#)  
**Subject:** RE: Andrea Aviles Martinez and [REDACTED] Demand - 250440  
**Date:** Friday, December 13, 2024 9:53:27 AM

---

You don't often get email from [paige@mullinsandblake.com](mailto:paige@mullinsandblake.com). [Learn why this is important](#)

Caitlin,

Is there any way you can share the limits of the policy, or do you have that info?

Thanks so much,

*Paige Eaves*

*Paralegal*

**Mullins & Blake, PLLC**

802 West Maple Avenue

Springdale AR 72764

[Paige@mullinsandblake.com](mailto:Paige@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335 | T 479.358.1998

[Website](#) | [Facebook](#)

[Click here](#) to write a review

---

**From:** ASCC New Claims <[ASCC.New.Claims@arkansas.gov](mailto:ASCC.New.Claims@arkansas.gov)>

**Sent:** Friday, December 13, 2024 8:19 AM

**To:** Paige Eaves <[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)>

**Subject:** RE: Andrea Aviles Martinez and [REDACTED] Demand - 250440

Received.

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:** Paige Eaves <[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)>  
**Sent:** Thursday, December 12, 2024 11:14 AM  
**To:** ASCC New Claims <[ASCC.new.claims@arkansas.gov](mailto:ASCC.new.claims@arkansas.gov)>  
**Subject:** Andrea Aviles Martinez and [REDACTED] Demand - 250440

You don't often get email from [paige@mullinsandblake.com](mailto:paige@mullinsandblake.com). [Learn why this is important](#)

Hey Caitlin!

Attached is the demand for our client, Andrea Aviles Martinez.

Please let me know if you need anything else to get this evaluated.

Thanks so much,

*Paige Eaves*

*Paralegal*

**Mullins & Blake, PLLC**

802 West Maple Avenue

Springdale AR 72764

[Paige@mullinsandblake.com](mailto:Paige@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335 | T 479.358.1998

[Website](#) | [Facebook](#)

[Click here](#) to write a review

**From:** [ASCC New Claims](#)  
**To:** [Tess Bradford](#); [Joan Shipley](#)  
**Cc:** [Kathryn Irby](#)  
**Subject:** CLAIM: Andrea Aviles Martinez and [REDACTED] v. ASP, Claim No. 250440  
**Date:** Friday, December 13, 2024 10:52:00 AM  
**Attachments:** [Andrea Aviles Martinez and \[REDACTED\] v. ASP agency ltr.pdf](#)  
[Andrea Aviles Martinez and \[REDACTED\] Claim form, supporting docs, def email \(combined\) - 250440.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

December 13, 2024

Ms. Tess Bradford  
Ms. Joan Shipley  
Arkansas State Police  
1 State Police Plaza Drive  
Little Rock, Arkansas 72209

*(via email)*

RE: *Andrea Aviles Martinez* [REDACTED] *v. Arkansas State Police*  
**Claim No. 250440**

---

Dear Ms. Bradford and Ms. Shipley,

Enclosed please find a copy of the above-styled claim filed against the Arkansas State Police. 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: Bradley Mullins, *counsel for Claimant* (w/o encl.) *(via email)*

**From:** [ASCC New Claims](#)  
**To:** [bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)  
**Bcc:** [Kathryn Irby](#)  
**Subject:** Andrea Aviles Martinez and [REDACTED] v. ASP, Claim No. 250440  
**Date:** Friday, December 13, 2024 10:52:00 AM  
**Attachments:** [Andrea Aviles Martinez and \[REDACTED\].v. ASP agency ltr.pdf](#)

---

Dear Mr. Mullins,

Attached please find a copy of the letter sent with your claim to the Arkansas State Police.

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:** [Tess Bradford](#)  
**To:** [Kathryn Irby](#); [ASCC Pleadings](#)  
**Cc:** [Roxanne Blake](#); [Bradley Mullins](#); [paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)  
**Subject:** RE: CLAIM: Andrea Aviles Martinez and [REDACTED] v. ASP, Claim No. 250440  
**Date:** Tuesday, January 7, 2025 1:18:11 PM  
**Attachments:** [1.8.25 Claim No. 250440 Answer + Abeyance.pdf](#)  
[Affidavit re exhaustion of insurance remedies.pdf](#)

---

Good afternoon,

Attached please find Respondent's Answer and Incorporated Motion to Hold in Abeyance for filing in Claim No. 250440. A copy of the same is being forwarded to Claimants' counsel via this email.

I've spoken briefly with Claimants' counsel regarding this claim and have forwarded a blank affidavit of exhaustion of remedies.

As always, please do not hesitate to contact me if there is anything else you may need.

Thank you,

Tess Bradford  
Arkansas Department of Public Safety  
Arkansas State Police Division  
(501) 618-8583

---

**From:** ASCC New Claims <ASCC.New.Claims@arkansas.gov>  
**Sent:** Friday, December 13, 2024 10:54 AM  
**To:** Tess Bradford <tess.bradford@asp.arkansas.gov>; Joan Shipley <joan.shipley@asp.arkansas.gov>  
**Cc:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Subject:** CLAIM: Andrea Aviles Martinez and [REDACTED] v. ASP, Claim No. 250440

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

BEFORE THE STATE CLAIMS COMMISSION  
OF THE STATE OF ARKANSAS

ANDREA AVILES MARTINEZ  
and [REDACTED]

CLAIMANT

V.

CLAIM NO. 250440

ARKANSAS STATE POLICE

RESPONDENT

**ANSWER AND INCORPORATED MOTION TO HOLD IN ABEYANCE**

---

COMES NOW the Respondent, the Arkansas State Police (ASP), by and through its attorney, Tess Bradford, and for its Answer to the Claim filed by Claimants Andrea Aviles Martinez and [REDACTED], and Incorporated Motion to Hold in Abeyance, states as follows:

**GENERAL ALLEGATIONS**

1. Respondent admits that, on September 14, 2024, a collision occurred between a vehicle operated ASP Trooper Tyler Smith (Trooper Smith) and a vehicle operated by Andrea Aviles Martinez.

2. Respondent denies any allegation of negligence on the part of Respondent and its employees and any allegation that the acts and/or omissions of Respondent or its employee(s) were the sole and/or proximate cause of damages allegedly sustained by Claimants.

3. All allegations in Claimants' Claim not specifically admitted herein are denied.

4. Respondent reserves the right to amend its Answer upon discovery of further information concerning Claimants' Claim.

**AFFIRMATIVE DEFENSES**

5. Pleading affirmatively, Respondent denies Claimants' allegations of negligence against Respondent and asserts that Claimants failed to state facts upon which relief can be granted.

See Ark. R. Civ. P. 12.

6. Specifically, negligence is "the failure to do something which a reasonably carefully person would do, and a negligent act arises from a situation where an ordinarily prudent person in the same situation would foresee such an appreciable risk of harm to others that he would not act or at least would act in a more careful manner." City of Caddo Valley v. George, 340 Ark. 203, 9 S.W.3d 481 (2000).

7. "While a party can establish negligence by direct or circumstantial evidence, **that party cannot rely on inferences based on conjecture or speculation.**" City of Caddo Valley v. George, 340 Ark. 203, 212, 9 S.W.3d 481, 486 (2000) (emphasis added). "**Conjecture and speculation**, however plausible, **cannot be permitted to supply the place of proof.**" Mangrum v. Pigue, 359 Ark. 373, 386, 198 S.W.3d 496, 503 (2004) (emphasis added). In other words, negligence is not imposed in the absence of proof. Bess v. Herrin, 309 Ark. 555, 831 S.W.2d 907 (1992).

8. Further, the fact that an accident occurred with nothing more is not evidence of negligence on the part of anyone. Nichols v. Int'l Paper Co., 278 Ark. 226, 644 S.W.2d 583 (1983).

9. Pleading affirmatively, Claimants have provided no evidence that Respondent was negligent, nor have Claimants provided evidence that Respondent was the proximate cause of any alleged personal injury or property damage.

10. Pleading affirmatively, Respondent denies that the acts and/or omissions of Trooper Smith were the sole and/or proximate cause of damages allegedly sustained by Claimants.

11. Pleading affirmatively, the Respondent asserts that its response to violation of law and clear threat to public safety was in execution of its required duties. See Scott v. Harris, 550 U.S. 372, 385, 127 S. Ct. 1769, 1778, 167 L. Ed. 2d 686 (2007).

12. Pleading affirmatively, in the event that Claimants prove damages, such damages were proximately caused by third parties or forces over which Respondent has no control of responsibility.

13. Pleading affirmatively, Respondent asserts that Claimants have failed to mitigate their damages so as to reduce and/or diminish their claim, and as such, they not entitled to recover those damages which they could have mitigated through the exercise of reasonable efforts and/or diligence.

14. Specifically, Arkansas Code Annotated § 27-53-401 states that in “all cases involving damage to a motor vehicle, the measure of damages shall be the difference between the value of the vehicle *immediately before the damage occurred and the value after the damage occurred,*” [Emphasis added.]

15. Pleading affirmatively, to the extent that Claimants seek property damages in an amount exceeding the difference between the value of the vehicle immediately before the damage occurred and the value after the damage occurred, their claim should be denied. Ark. Code Ann. § 27-53-401.

16. Respondent reserves the right to assert additional defenses upon discovery of further information concerning Claimants’ Claim.

#### **MOTION TO HOLD CLAIM IN ABEYANCE**

17. Pleading affirmatively, Respondent is uninsured.

18. Claimants failed to provide with the Claim the amount of any insurance payment made to them or on their behalf for any injury or damage they may have suffered as a result of the incident, failed to provide the statutorily required, sworn affidavit of insurance proceeds, and failed to provide the declaration or coverage page for each policy of insurance covering them or their vehicle at the time of the incident.

19. Arkansas Code Annotated § 19-10-302(a) specifically states that “the [Claims] Commission shall hear no claim until the claimant has *exhausted all remedies* against insurers, *including the claimant’s insurer.*” [Emphasis added.] Subsection (b) of the statute requires Claimants to include a sworn affidavit with their Claim stating that they have exhausted all remedies against insurers, including their own insurer(s) and any other applicable insurer, along with the total amount of insurance benefits paid to Claimants by said insurers. Claimants failed to provide this information in their Complaint.

20. Claimants alleged that they suffered personal injury and property damages in their claim. However, Claimants provided no evidence in their Claim or attachments thereto that they submitted all claims for personal injury and property damage to all insurers for payment prior to seeking reimbursement in this forum.

21. To the extent that Claimants have not filed a claim with their insurer(s) or any other applicable insurer, Claimants have failed to “exhaust all remedies” against insurers, including, if necessary, the remedy of a civil action against said insurers for breach of contract under the terms of its policies and applicable law.

22. Until the Claimants exhaust all remedies against their insurer(s) and any other applicable insurer, the Commission lacks jurisdiction to proceed with this claim under Ark. Code

Ann. § 19-10-302. Accordingly, the Commission should hold this claim in abeyance until the Claimants have exhausted all remedies against all insurers.

WHEREFORE, having answered the Claimants' Complaint, the Respondent prays that the Commission hold Claimants' Claim in abeyance; that Claimants be held to a strict standard of proof as to the entitlement and amount of any damages; and for such other relief which might be just and equitable.

Respectfully submitted,  
Department of Arkansas State Police

BY: /s/ Tess Bradford  
Tess Bradford #2017156  
Staff Attorney  
Arkansas State Police  
1 State Police Plz Dr  
Little Rock, Arkansas 72209  
(501) 618-8583

**CERTIFICATE OF SERVICE**

I, Tess Bradford, do hereby certify that a copy of the foregoing pleading has been sent via email this 7<sup>th</sup> day of January, 2025, to:

Roxanne Blake  
Bradley Mullins  
802 West Maple Avenue  
Springdale, Arkansas 72764  
[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)  
[roxanne@mullinsandblake.com](mailto:roxanne@mullinsandblake.com)

/s/ Tess Bradford  
Tess Bradford

**AFFIDAVIT REGARDING EXHAUSTION OF INSURANCE REMEDIES**

**Ark. Code Ann. § 19-10-302(b):** Every claim filed with the commission shall be accompanied by a sworn affidavit, on a form to be provided by the commission, signed by the claimant and witnessed by the claimant's insurer and legal counsel, if any, that the claimant has exhausted all remedies against insurers, including the claimant's insurer. The affidavit shall further state the total amount of insurance benefits paid to the claimant.

*\*\*\*Please attach additional pages, if needed, to provide the information requested.\*\*\**

State of \_\_\_\_\_

County of \_\_\_\_\_

I, \_\_\_\_\_, swear under oath that I have **taken the following actions to exhaust my remedies against insurers**, including my insurer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby state that I have **received the following payments from insurers**:

\_\_\_\_\_  
\_\_\_\_\_

I hereby state under oath that the foregoing statements are true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Affiant

Witnessed by \_\_\_\_\_, \_\_\_\_\_ with \_\_\_\_\_.  
(print name) (title) (Claimant's insurer)

\_\_\_\_\_  
(signature)

*If you did not have insurance coverage for the applicable person, vehicle, or property, write N/A on these blanks.*

Witnessed by \_\_\_\_\_, legal counsel for Claimant, if any.  
(print name)

\_\_\_\_\_  
(signature)

*If you are not represented by an attorney, write N/A on these blanks.*

Subscribed and sworn to me on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

My commission expires: \_\_\_\_\_.

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ANDREA AVILES MARTINEZ AND  
[REDACTED]

CLAIMANT

V.

CLAIM NO. 250440

ARKANSAS STATE POLICE

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion filed by the Arkansas State Police (the “Respondent”) to hold this claim in abeyance until Andrea Aviles Martinez and [REDACTED] (collectively referred to as the “Claimant”) have exhausted all remedies against Claimant’s insurer for damages related to the September 2024 incident.

The Commission finds that Claimant is required to exhaust all insurance remedies under Ark. Code Ann. § 19-10-302 before the Commission can consider the merits of Claimant’s claim. As such, the Commission GRANTS Respondent’s motion and places this claim in abeyance to allow Claimant to exhaust all insurance remedies. The Commission will transmit a copy of a form affidavit for Claimant’s use following the exhaustion of Claimant’s insurance remedies. **Claimant is directed to provide an update to the Commission, to include the completed affidavit if Claimant’s insurance remedies have been exhausted, by August 6, 2025.** Such update should be directed to the Commission director and to Respondent’s counsel.<sup>1</sup> Should Claimant need additional time, Claimant may submit such request in writing to the Commission director, with a copy to Respondent’s counsel, on or before August 6, 2025. **Should Claimant fail to provide an update or to request additional time by August 6, 2025, the Commission will dismiss this matter for failure to prosecute.**

---

<sup>1</sup> Claimant may email the Commission director at [kathryn.irby@arkansas.gov](mailto:kathryn.irby@arkansas.gov) or transmit the update via mail. It is Claimant’s responsibility to confirm that any email or mailed correspondence is received by the Commission.

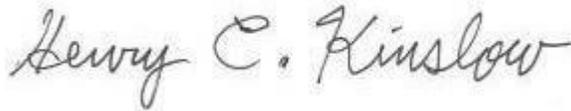
IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION  
Solomon Graves



ARKANSAS STATE CLAIMS COMMISSION  
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow, chair

DATE: February 6, 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:** ["Bradley Mullins"; Tess Bradford](#)  
**Bcc:** [Mika Tucker](#)  
**Subject:** ORDER: Martinez v. ASP, Claim No. 250440  
**Date:** Thursday, February 6, 2025 5:46:00 PM  
**Attachments:** [Affidavit re exhaustion of insurance remedies.pdf](#)  
[C59--Martinez v. ASP, 250440.pdf](#)

---

Mr. Mullins and Ms. Bradford, please see attached order entered by the Commission. Pursuant to the Commission's order, I am also attaching a form affidavit for claimants' use in complying with Ark. Code Ann. 19-10-302.

Thanks,  
Kathryn Irby

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

**From:** [Kathryn Irby](#)  
**To:** [Caitlin McDaniel](#)  
**Cc:** [Mika Tucker](#)  
**Subject:** RE: New fax from ((8664772808))  
**Date:** Friday, February 21, 2025 1:14:35 PM  
**Attachments:** [20250212\\_1514\\_from\\_8664772808\\_to\\_+15016822823.pdf](#)

---

We have a claim for Andrea Aviles Martinez. I recognize that name. Put this filing in that claim please. Let me know if you cannot find.

-----Original Message-----

From: Caitlin McDaniel <Caitlin.McDaniel@arkansas.gov>  
Sent: Friday, February 21, 2025 10:28 AM  
To: Mika Tucker <Mika.Tucker@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>  
Subject: FW: New fax from ((8664772808))

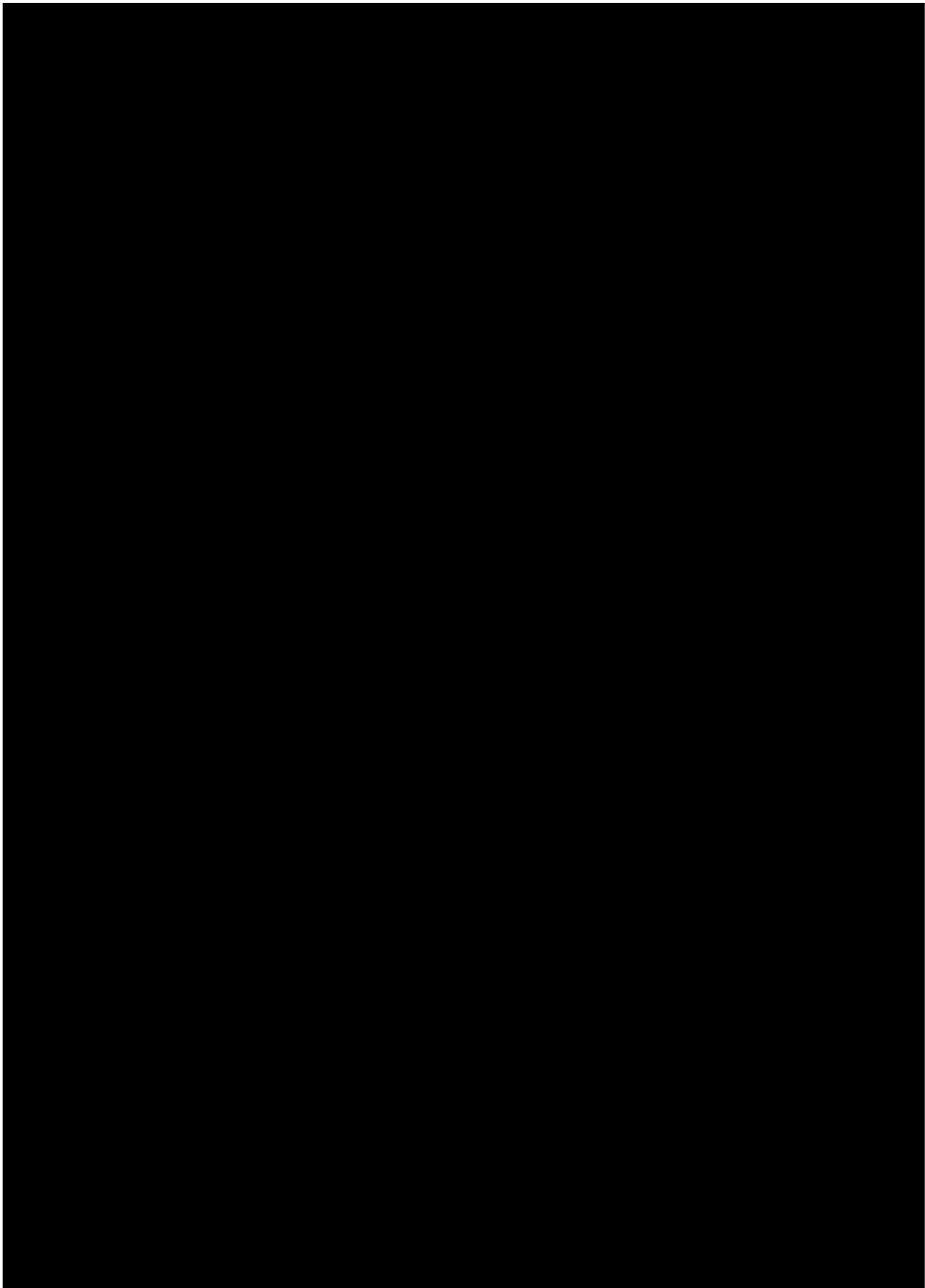
-----Original Message-----

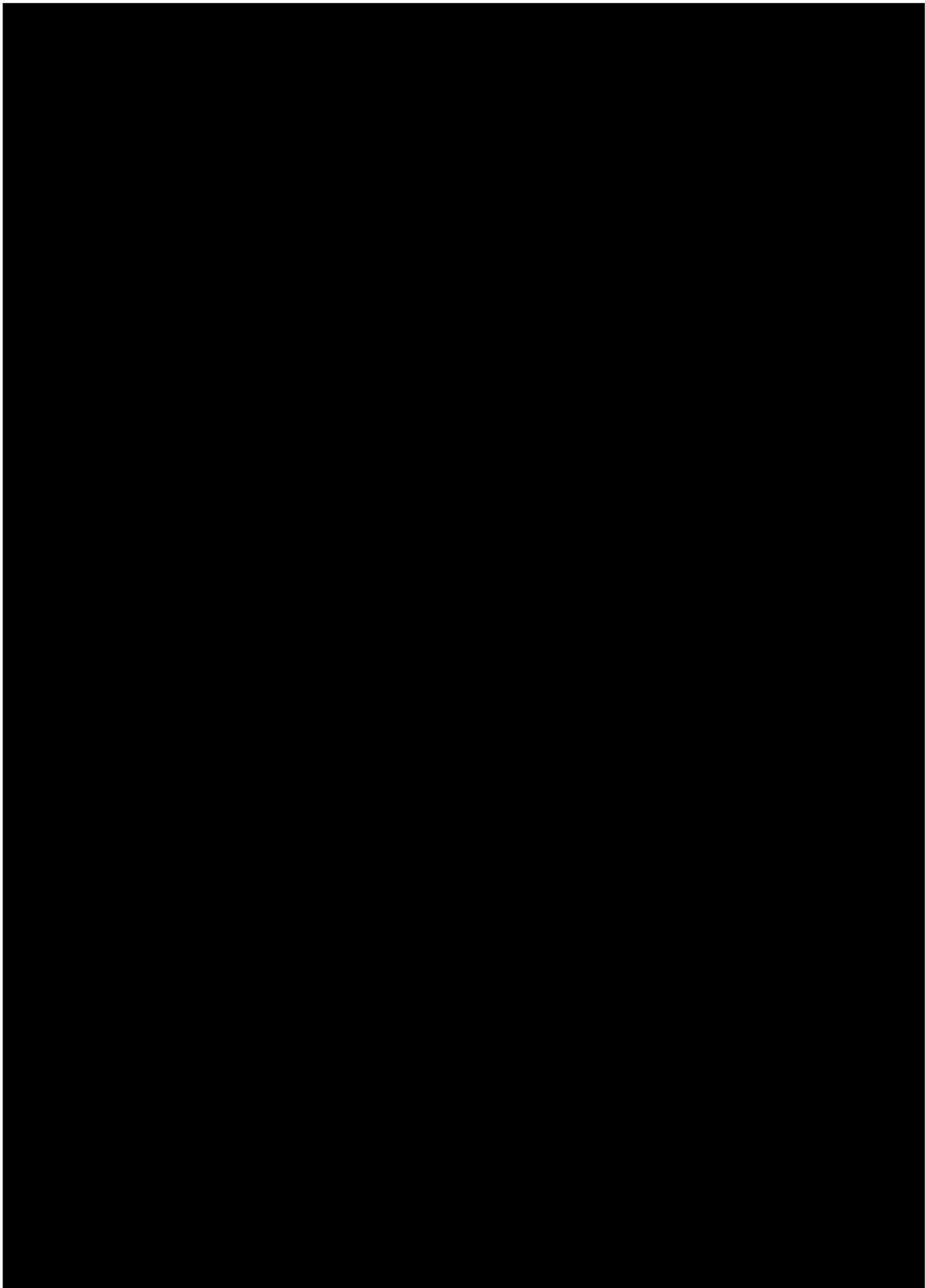
From: Fax Noreply <fax.noreply@arkansas.gov>  
Sent: Wednesday, February 12, 2025 3:15 PM  
To: ASCC Info <ASCC.Info@arkansas.gov>  
Subject: New fax from ((8664772808))

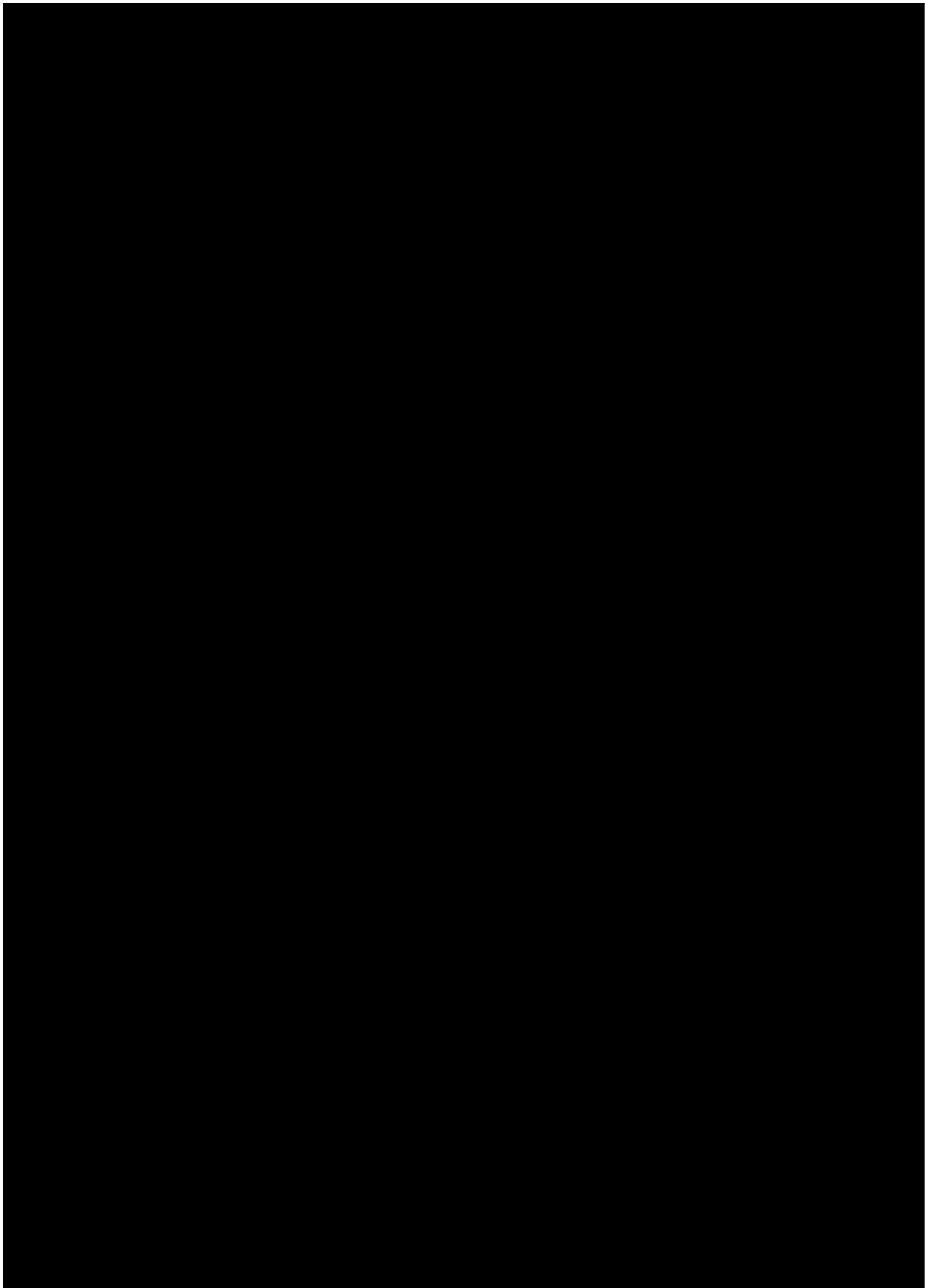
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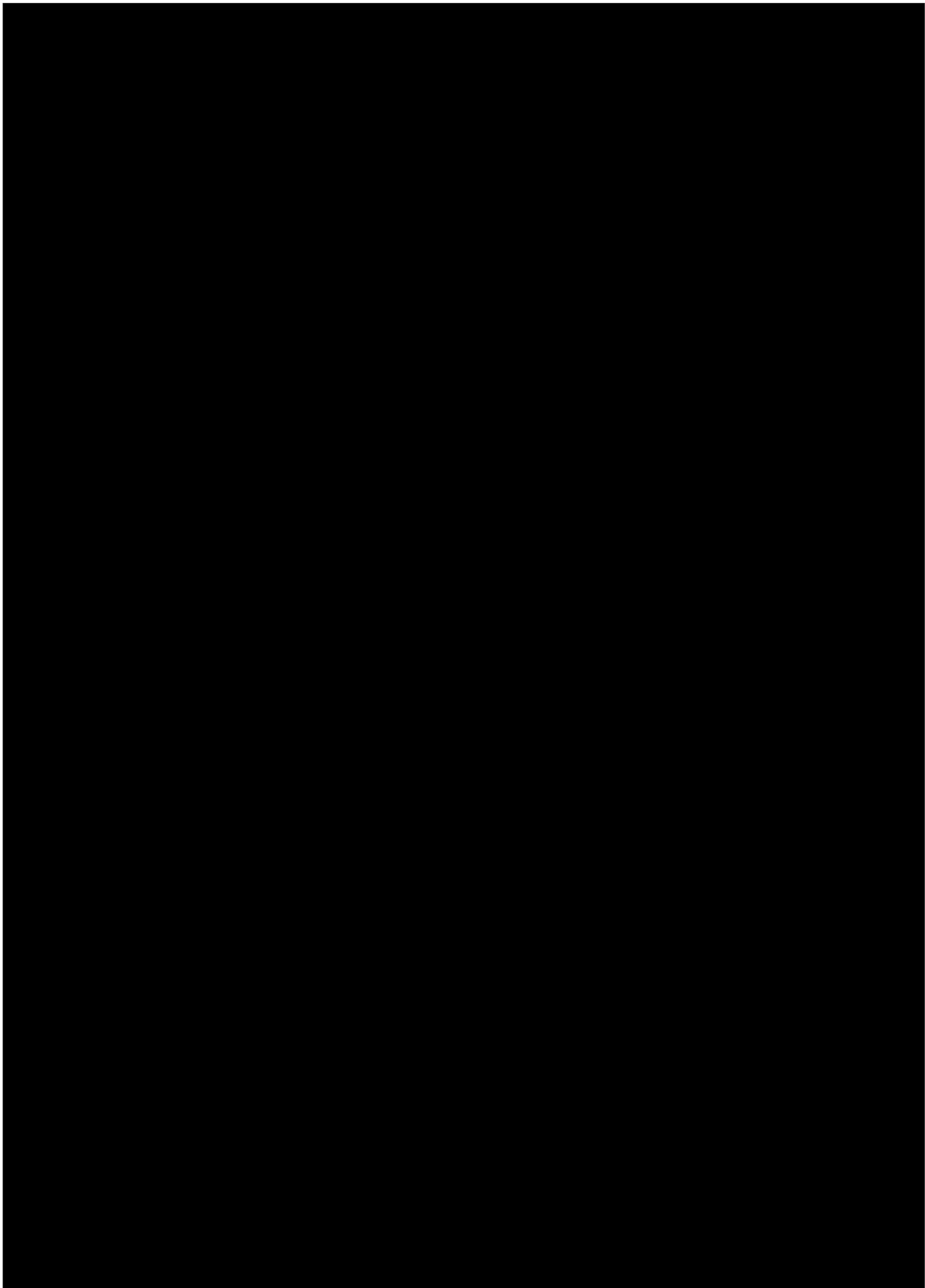
Number of pages: 4

Attachment file size: 293997









**From:** [Paige Eaves](#)  
**To:** [Kathryn Irby](#); [Tess Bradford](#)  
**Cc:** [Bradley Mullins](#)  
**Subject:** Martinez v. ASP, Claim No. 250440  
**Date:** Monday, February 17, 2025 12:52:46 PM  
**Attachments:** [Signed Affidavits Final.pdf](#)

---

You don't often get email from [paige@mullinsandblake.com](mailto:paige@mullinsandblake.com). [Learn why this is important](#)

Tess and Kathryn,

The signed affidavits are attached, along with the signed medical payments rejections, and the property damage settlement breakdown for the owner of the vehicle.

If you require any additional information, please let me know.

Thanks so much,

*Paige Eaves*

*Paralegal*

**Mullins & Blake, PLLC**

802 West Maple Avenue

Springdale AR 72764

[Paige@mullinsandblake.com](mailto:Paige@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335 | T 479.358.1998

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[Click here](#) to write a review

AFFIDAVIT REGARDING EXHAUSTION OF INSURANCE REMEDIES

Ark. Code Ann. § 19-10-302(b): Every claim filed with the commission shall be accompanied by a sworn affidavit, on a form to be provided by the commission, signed by the claimant and witnessed by the claimant's insurer and legal counsel, if any, that the claimant has exhausted all remedies against insurers, including the claimant's insurer. The affidavit shall further state the total amount of insurance benefits paid to the claimant.

\*\*\*Please attach additional pages, if needed, to provide the information requested.\*\*\*

State of Arkansas

County of Sebastian

I, Andrea Ariles Martinez, under oath that I have taken the following actions to exhaust my remedies against insurers, including my insurer:

Trexis Insurance- no coverages available

No property damage issues

I hereby state that I have received the following payments from insurers:

\$0

I hereby state under oath that the foregoing statements are true and correct to the best of my knowledge.

Andrea Ariles

Signature of Affiant

Witnessed by \_\_\_\_\_ with \_\_\_\_\_  
(print name) (title) (Claimant's insurer)

(signature)

If you did not have insurance coverage for the applicable person, vehicle, or property, write N/A on these blanks.

Witnessed by Sarahi Ibarra  
(print name)

\_\_\_\_\_, legal counsel for Claimant, if any.

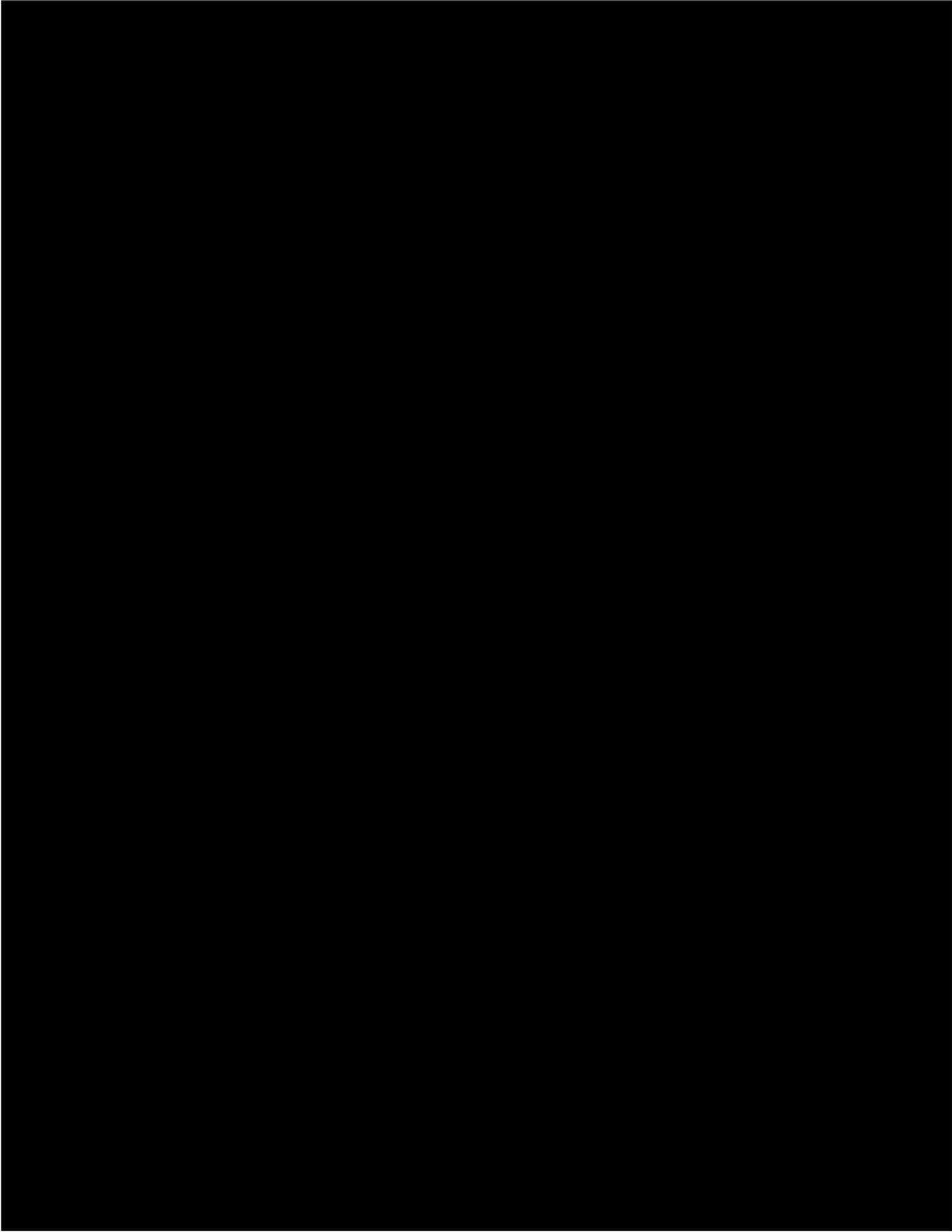
Sarahi Ibarra  
(signature)

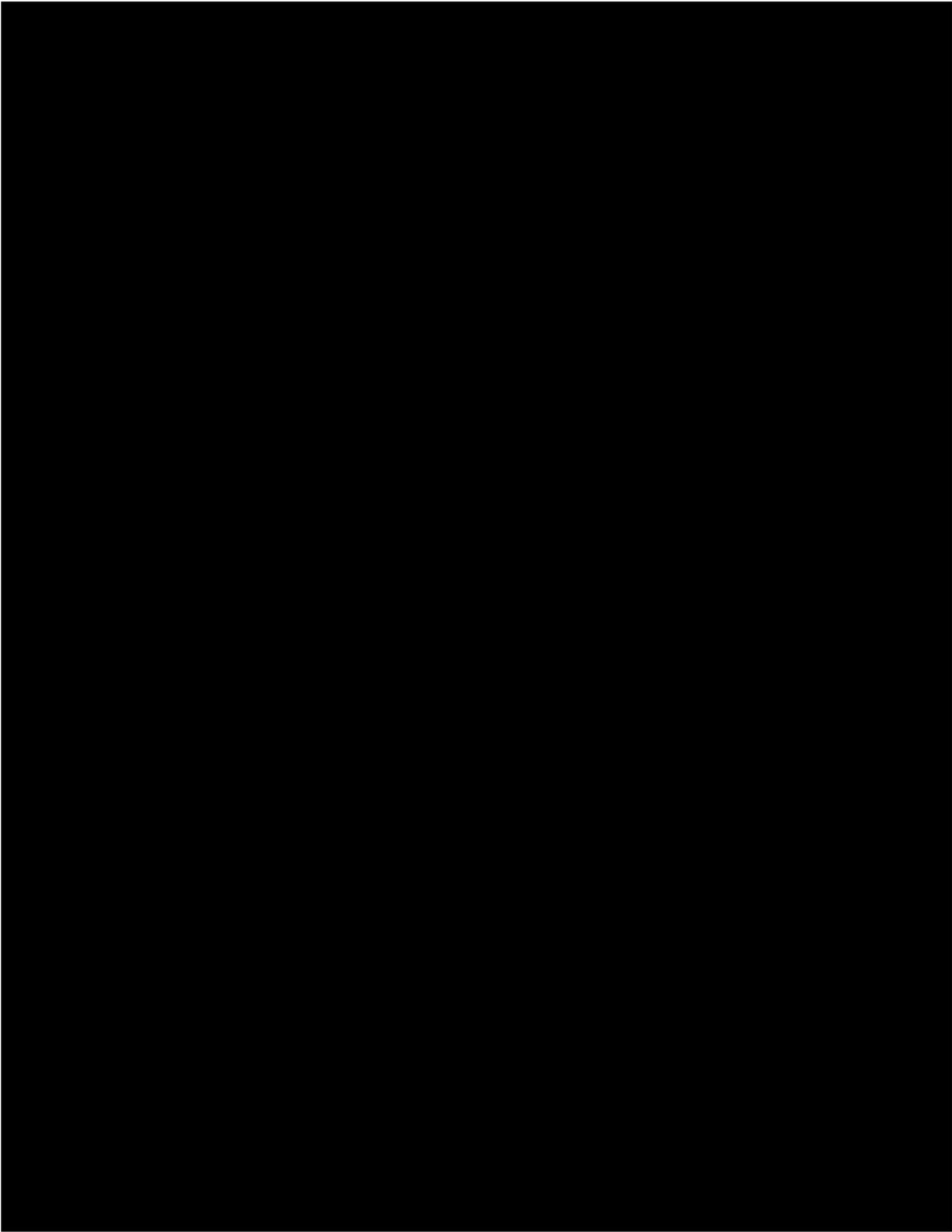
If you are not represented by an attorney, write N/A on these blanks.

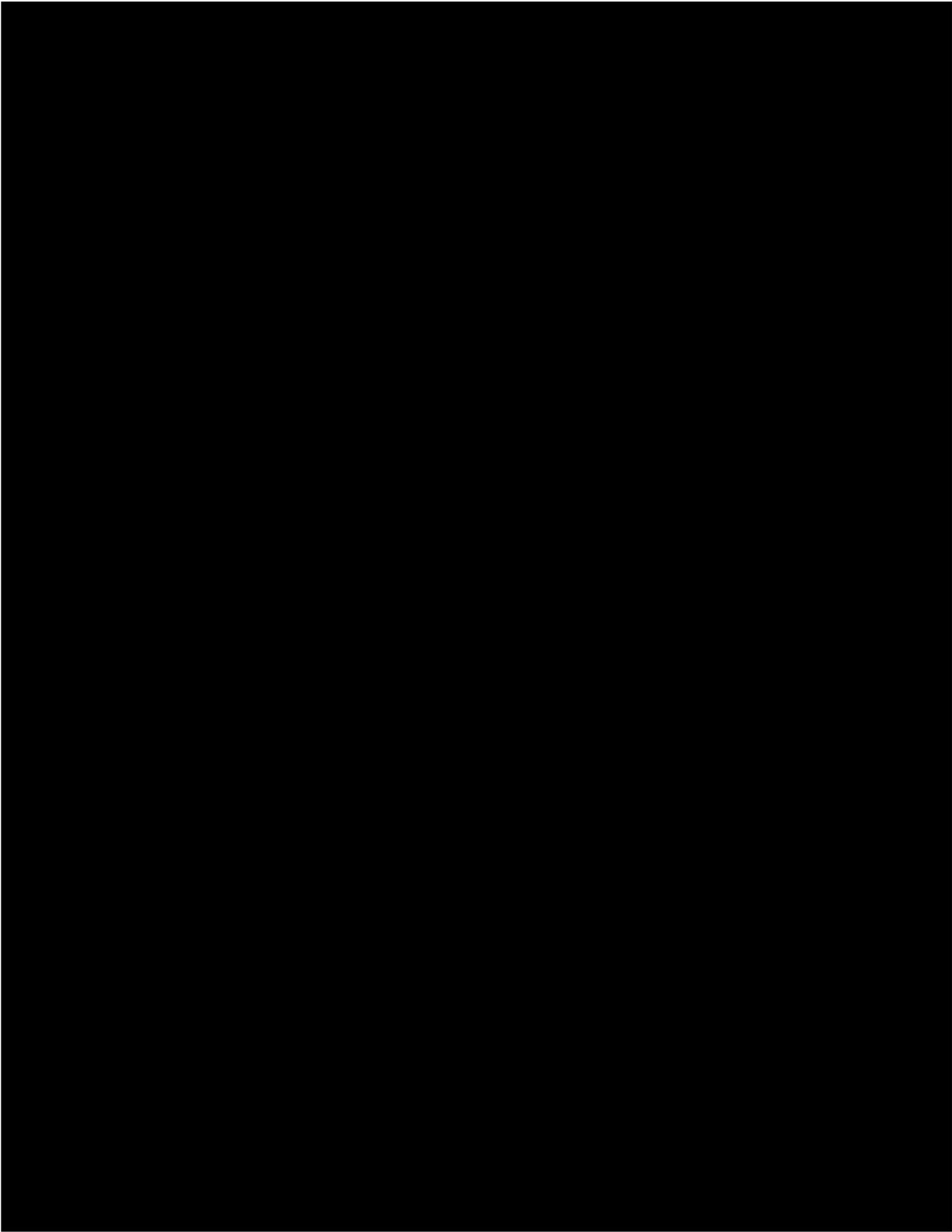
Signature of Notary P

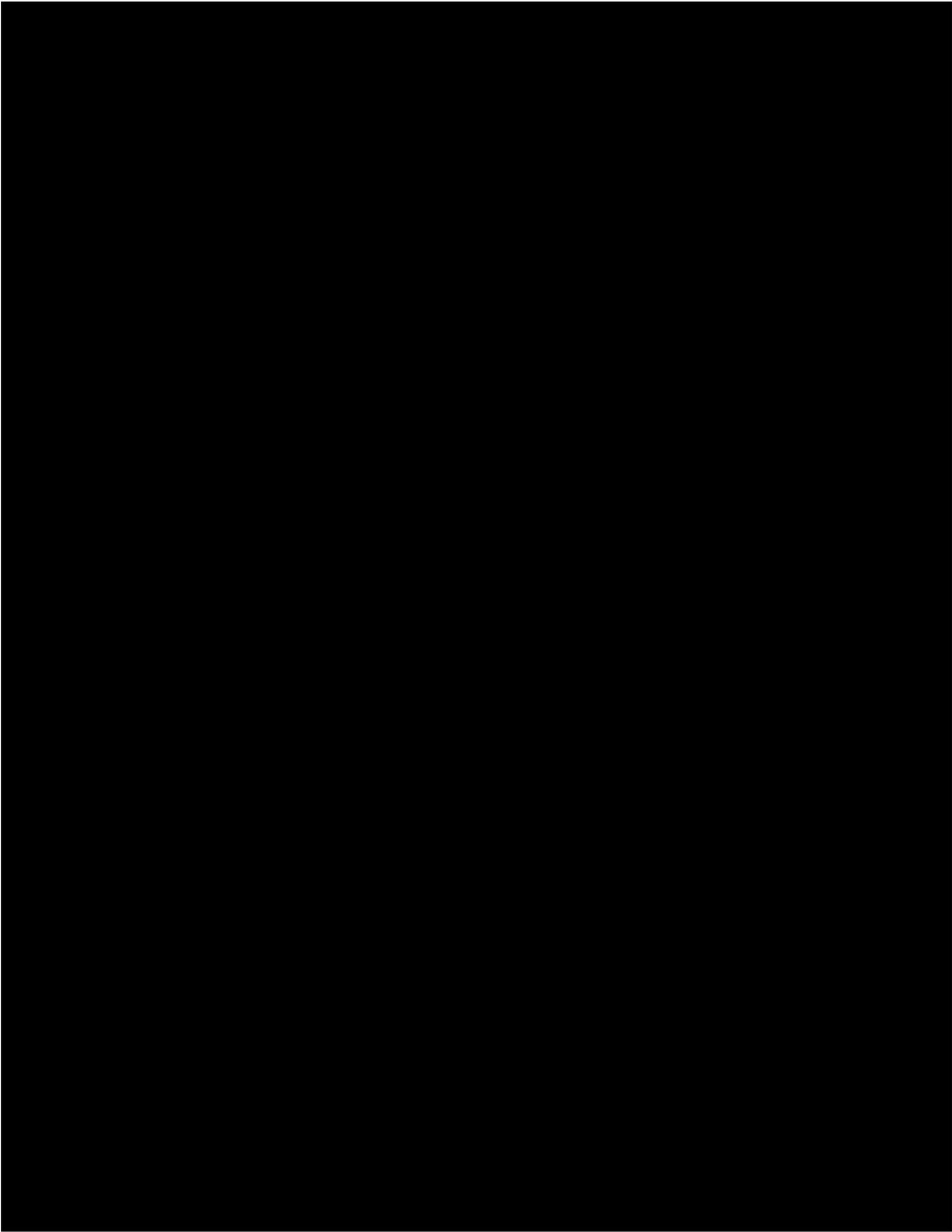
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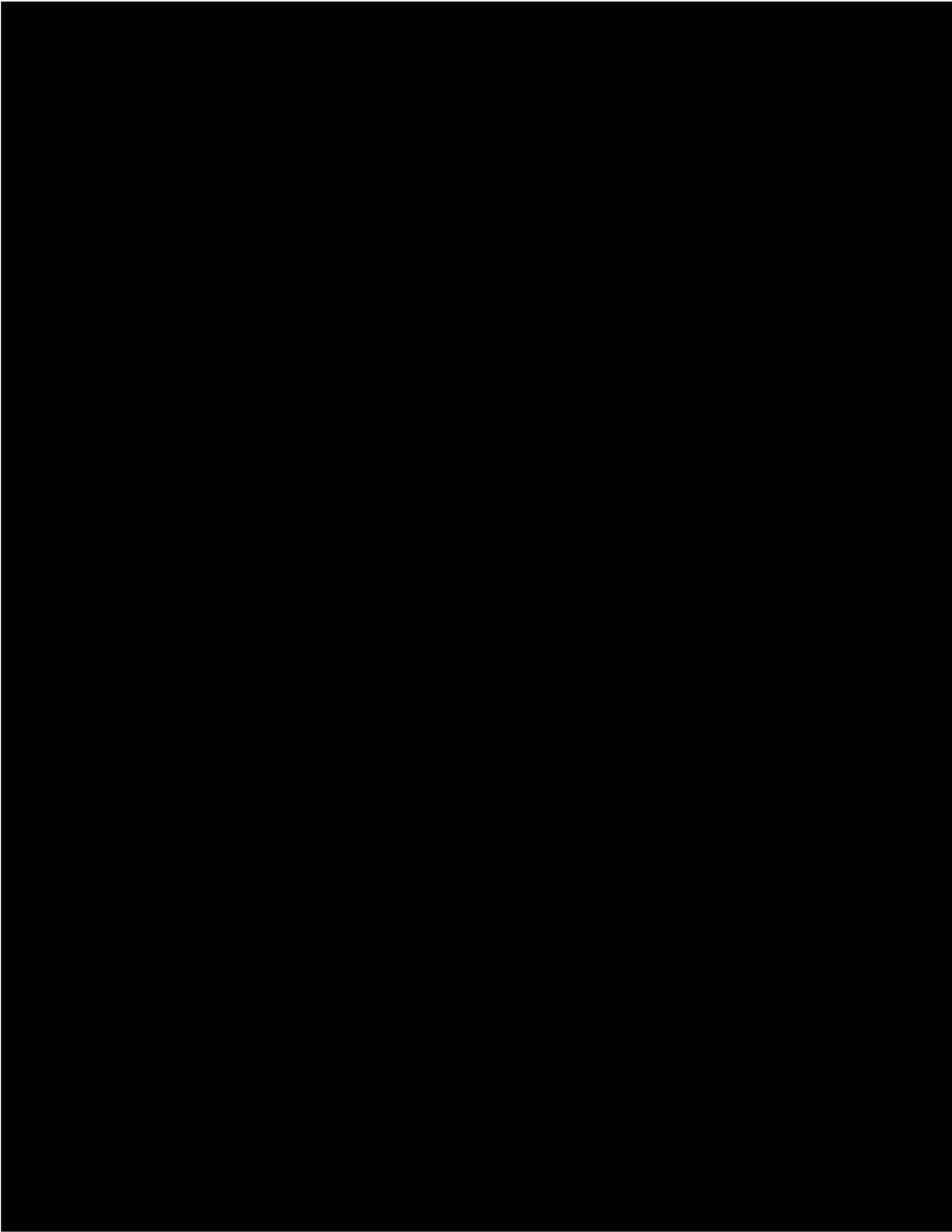
CECILIA GONZALEZ  
Notary Public - Arkansas  
Crawford County  
Commission # 12722935  
My Commission Expires Apr 22, 2033

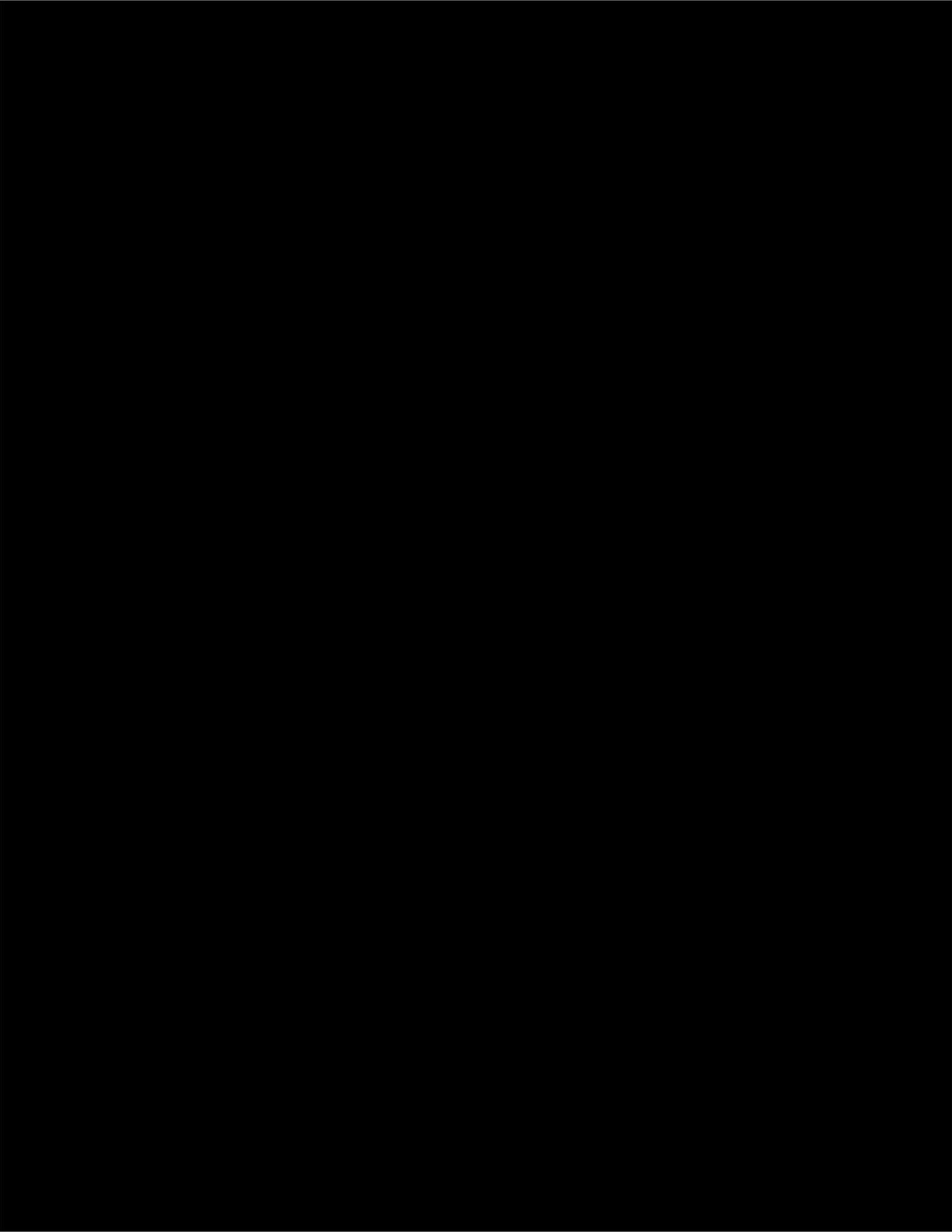


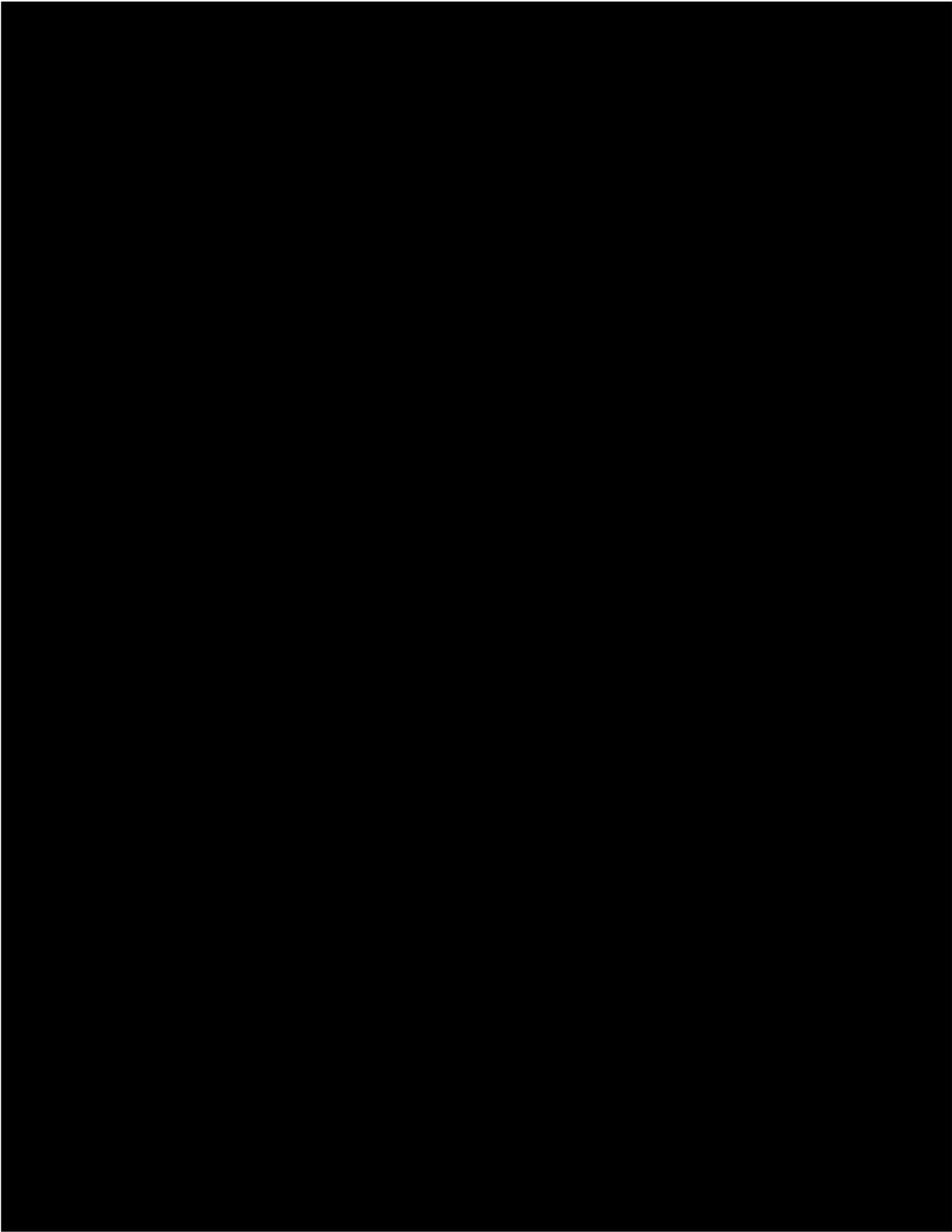


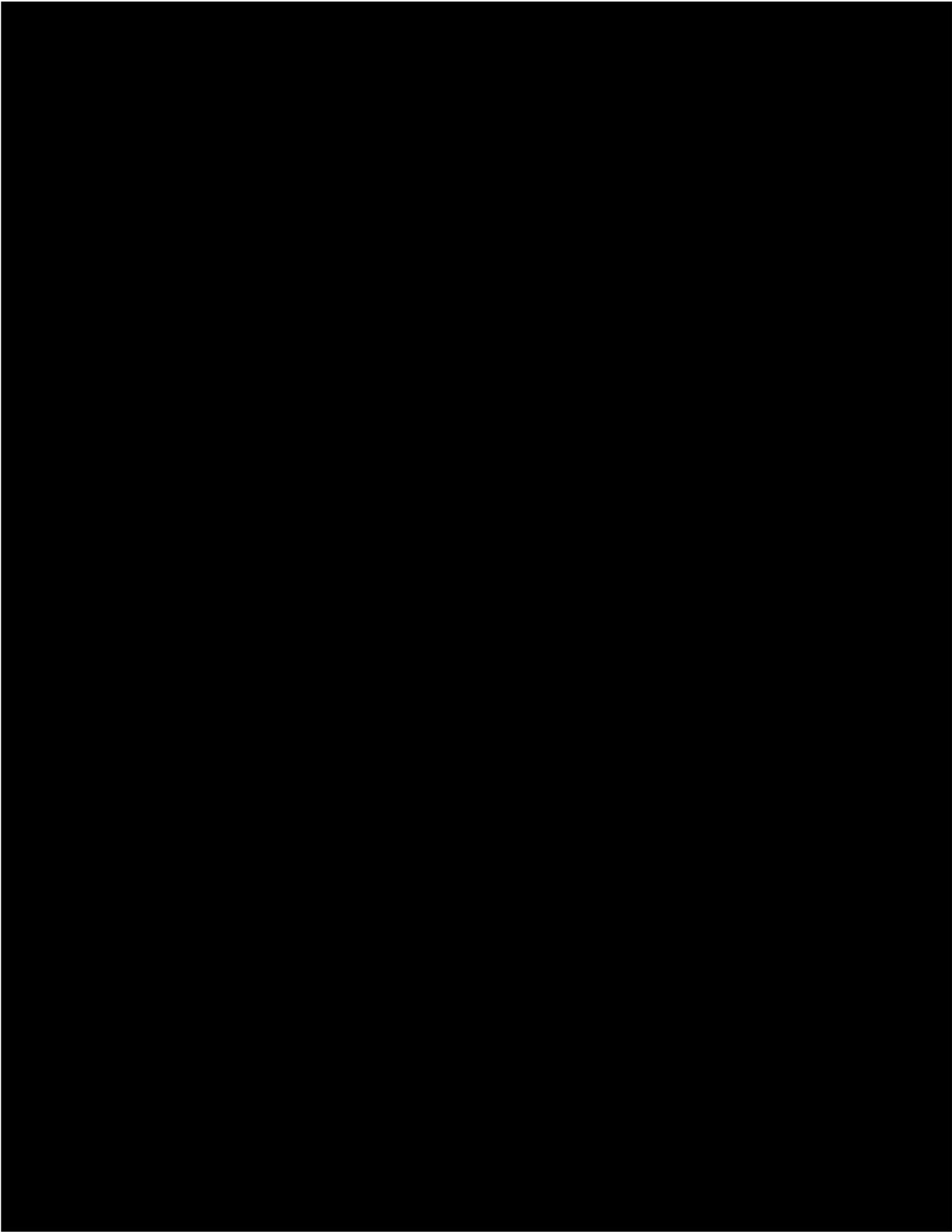


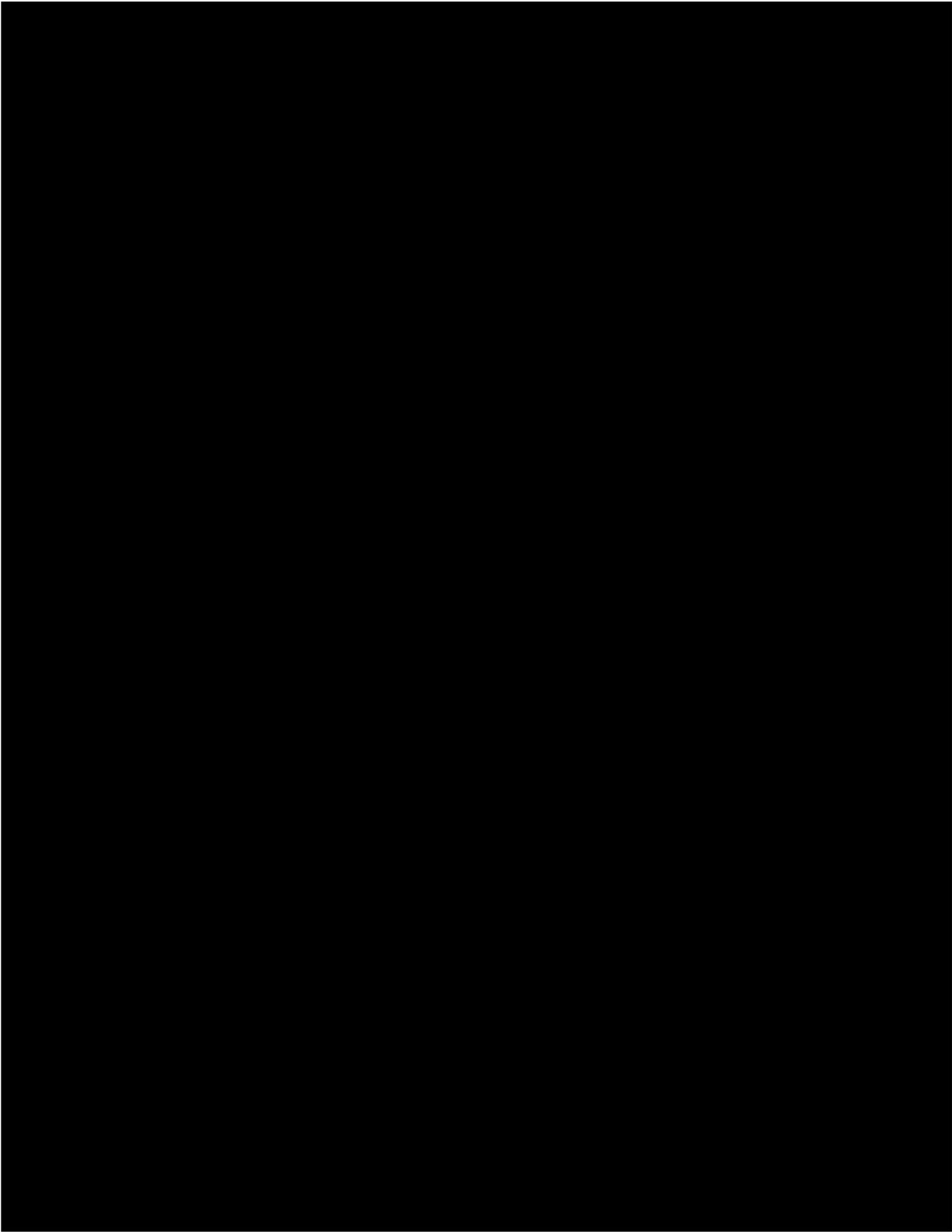


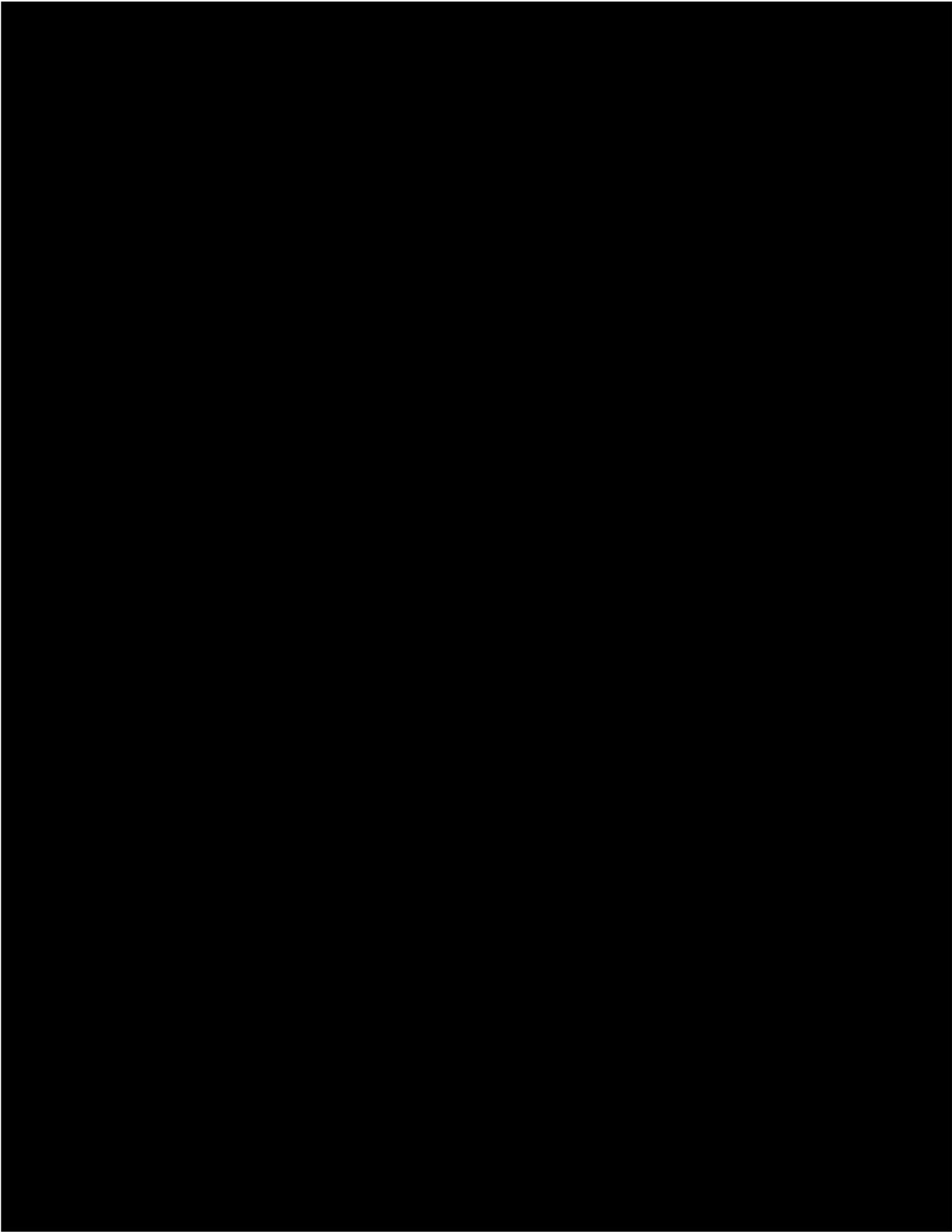


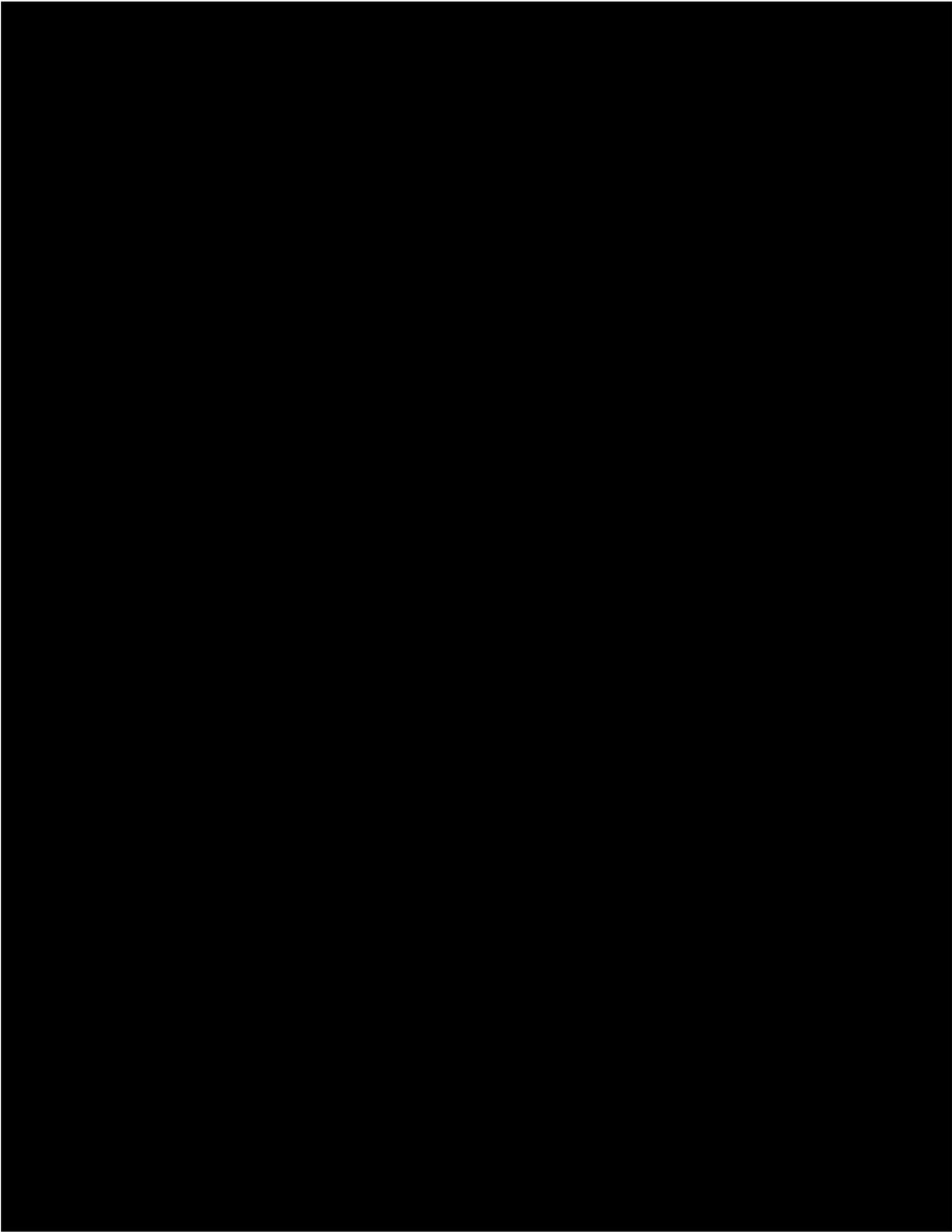


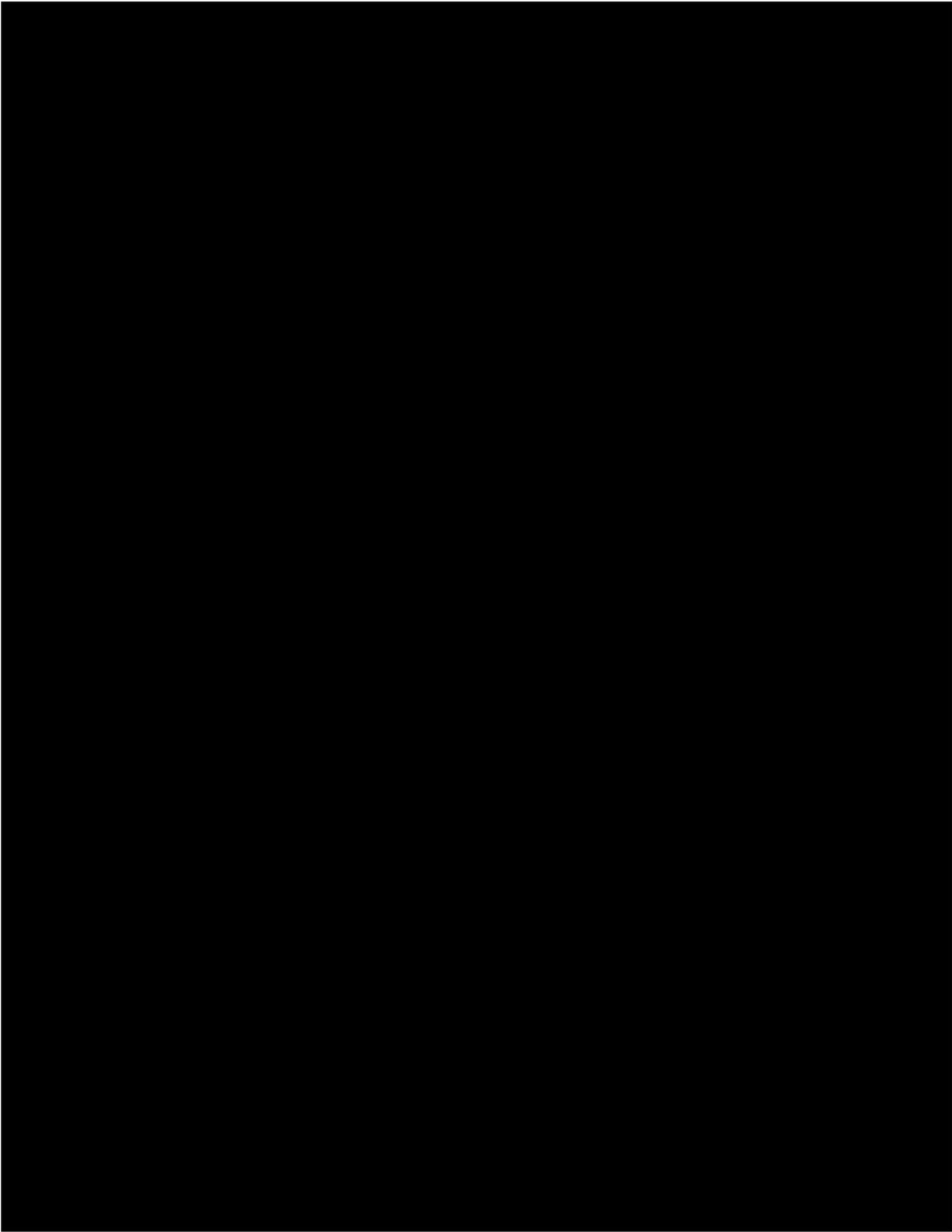


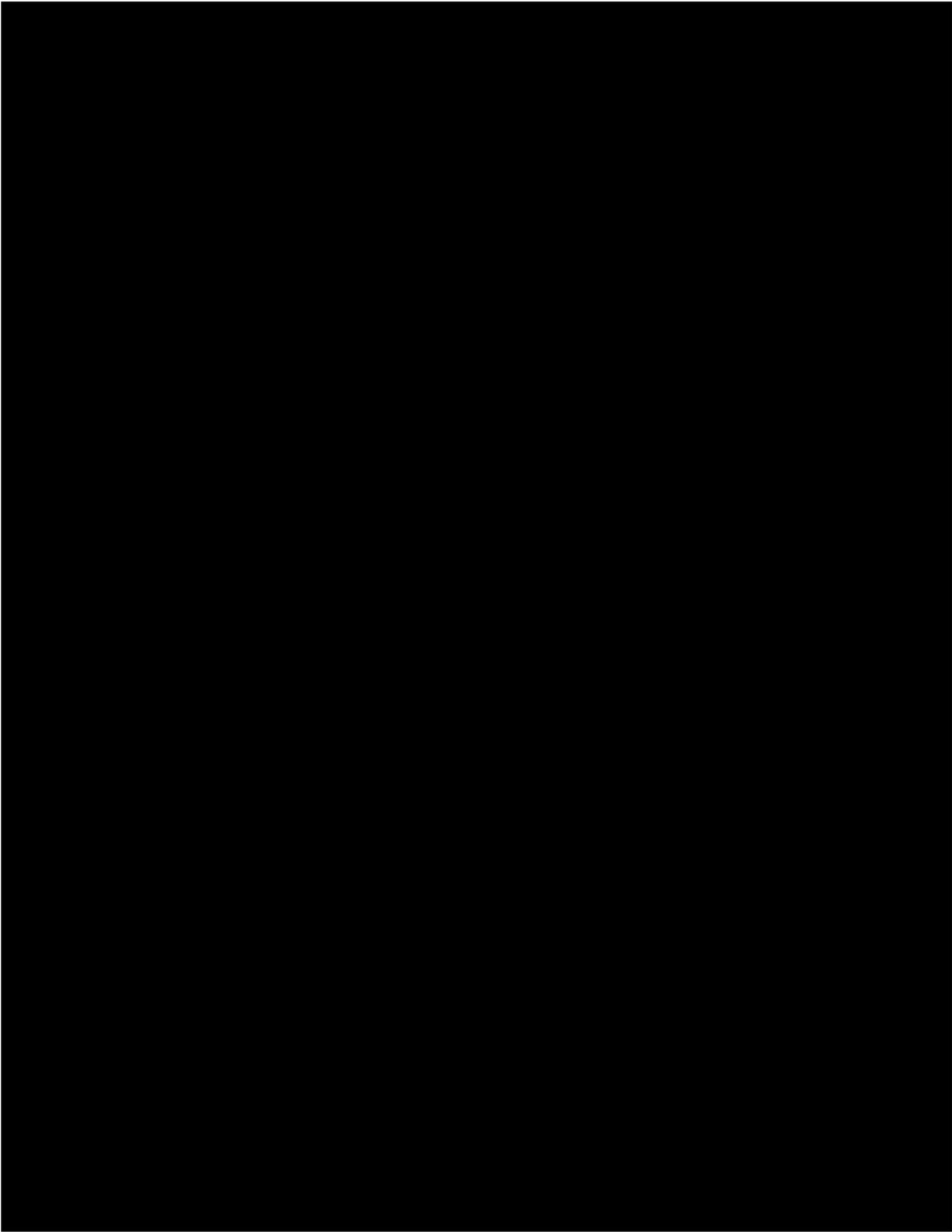


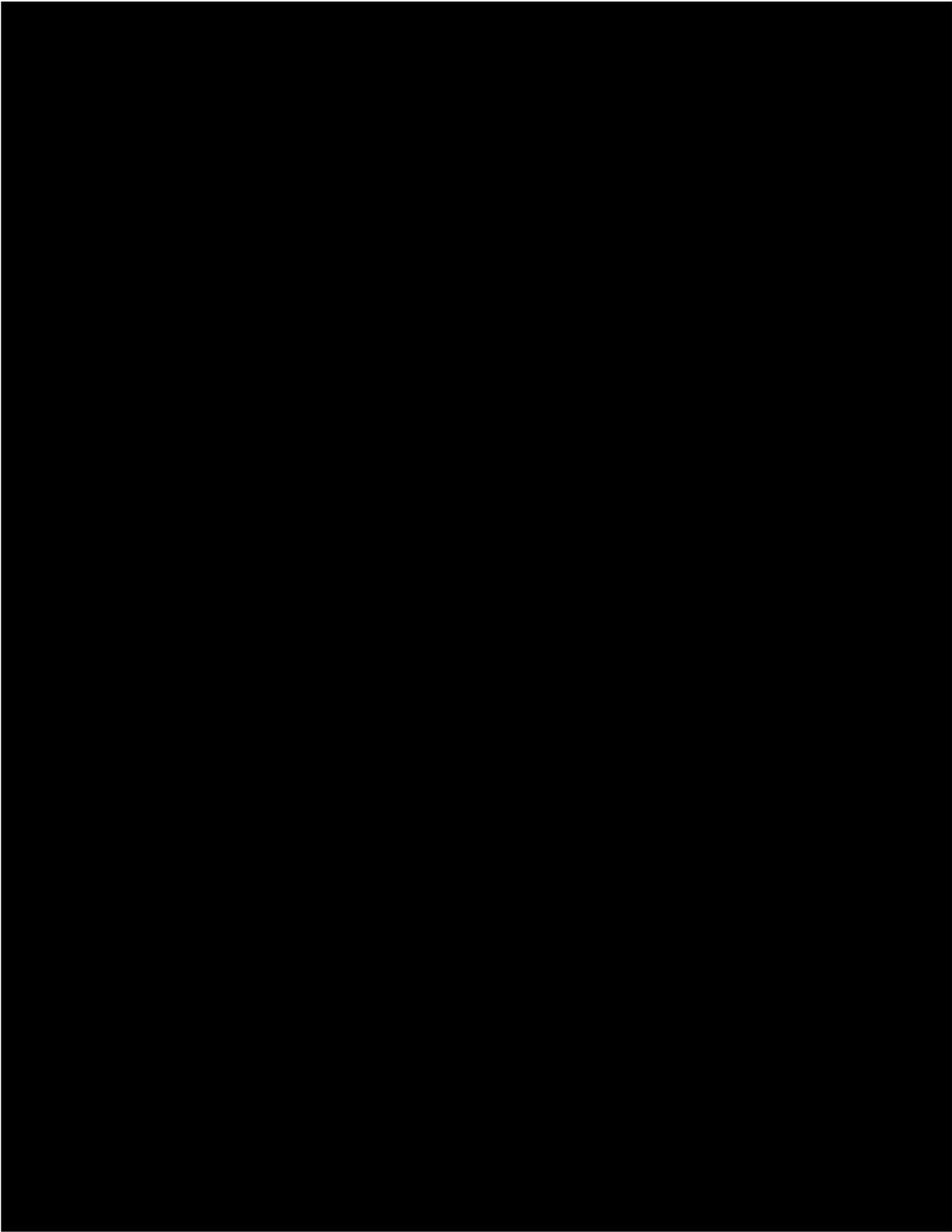


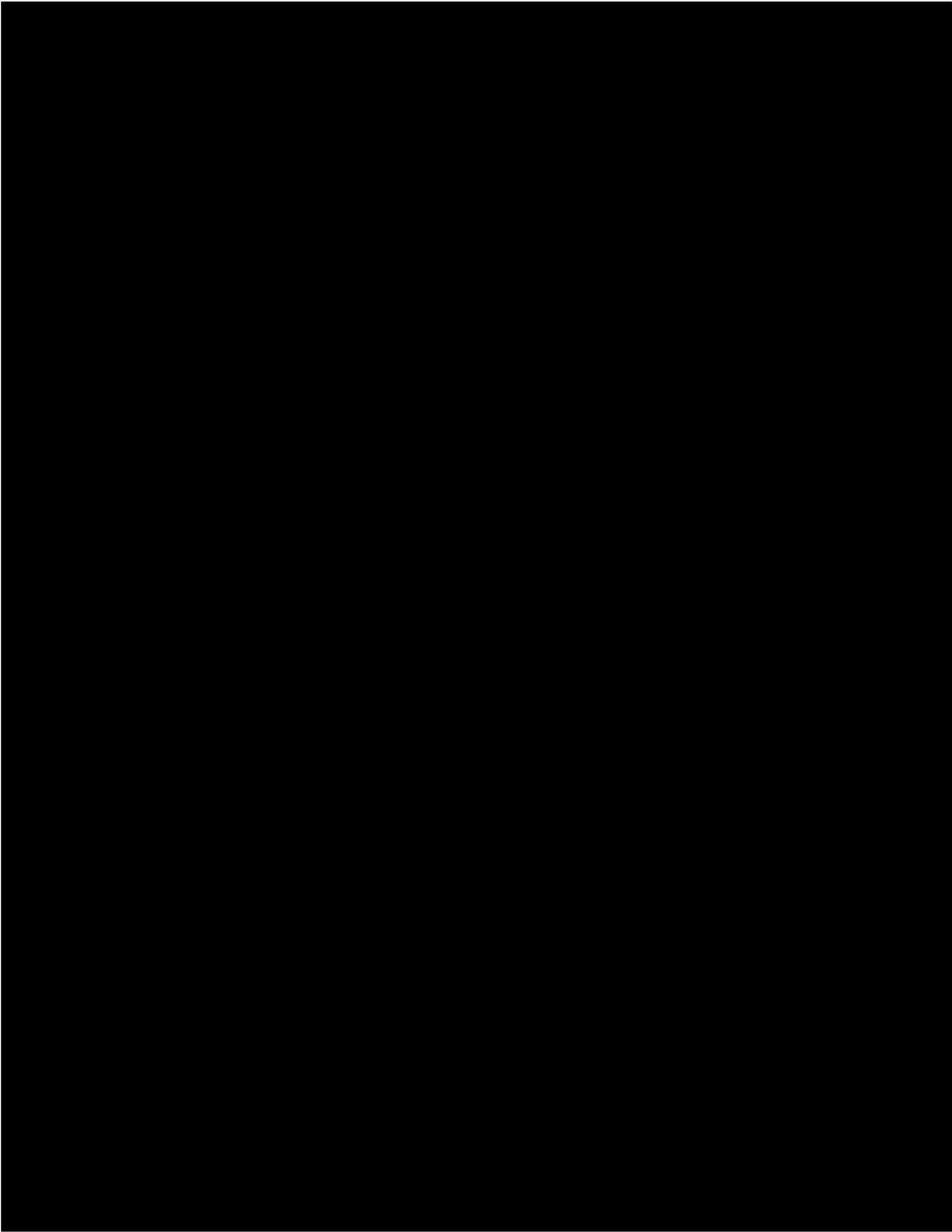












## SETTLEMENT BREAKDOWN

Jonathan Andres-Martinez

Date of Loss: 9/15/2024 12:00:00 AM -05:00

WORK ORDER: 1690239

CLA [REDACTED]

VIN: [REDACTED]

YEAR: 2014

MAKE: GMC

MODEL: ACADIA

DATE: 9/24/2024

For Settlement Breakdown, please DO NOT refer to evaluation. Instead, please refer to the Settlement Breakdown provided below as they are the correct figures:

ACV	\$7,357.00
CONCESSIONS	\$10.00
ADJUSTMENTS	\$0.00
TAX	\$717.31
DEDUCTIBLE	\$1,000.00
SALVAGE VALUE	\$0.00
LIABILITY ADJUSTMENT	\$0.00
SETTLEMENT AMOUNT	\$7,084.31
TOTAL LOAN AMOUNT	\$4,700.00
BALANCE DUE OWNER	\$2,384.31

**From:** [Kathryn Irby](#)  
**To:** [Paige Eaves](#); [Tess Bradford](#)  
**Cc:** [Bradley Mullins](#)  
**Subject:** INFO NEEDED: Martinez v. ASP, Claim No. 250440  
**Date:** Tuesday, February 18, 2025 5:47:15 PM

---

Tess, please advise if ASP objects to this claim coming out of abeyance. Otherwise, I will submit this claim to the Commission in early March for an order taking the claim out of abeyance and putting the claim into a discovery status.

Kathryn Irby

---

**From:** Paige Eaves <paige@mullinsandblake.com>  
**Sent:** Monday, February 17, 2025 12:52 PM  
**To:** Kathryn Irby <Kathryn.Irby@arkansas.gov>; Tess Bradford <tess.bradford@asp.arkansas.gov>  
**Cc:** Bradley Mullins <bradley@mullinsandblake.com>  
**Subject:** Martinez v. ASP, Claim No. 250440

You don't often get email from [paige@mullinsandblake.com](mailto:paige@mullinsandblake.com). [Learn why this is important](#)

Tess and Kathryn,

The signed affidavits are attached, along with the signed medical payments rejections, and the property damage settlement breakdown for the owner of the vehicle.

If you require any additional information, please let me know.

Thanks so much,

*Paige Eaves*

*Paralegal*

**Mullins & Blake, PLLC**

802 West Maple Avenue

Springdale AR 72764

[Paige@mullinsandblake.com](mailto:Paige@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335 | T 479.358.1998

[Website](#) | [Facebook](#)

[Click here](#) to write a review

**From:** [Tess Bradford](#)  
**To:** [Paige Eaves](#)  
**Cc:** [Bradley Mullins](#); [Kathryn Irby](#)  
**Subject:** RE: Martinez v. ASP, Claim No. 250440  
**Date:** Thursday, February 20, 2025 3:38:24 PM

---

Thank you, Paige! We can agree to Andrea's claim coming out of abeyance. Once we receive confirmation that all claims for medical expenses have been filed with ARKIDS, we can agree to take Genesis's claim out of abeyance and review the out-of-pocket expenses.

Tess Bradford  
Arkansas Department of Public Safety  
Arkansas State Police Division  
(501) 618-8583

---

**From:** Paige Eaves <paige@mullinsandblake.com>  
**Sent:** Thursday, February 20, 2025 3:21 PM  
**To:** Tess Bradford <tess.bradford@asp.arkansas.gov>  
**Cc:** Bradley Mullins <bradley@mullinsandblake.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Subject:** RE: Martinez v. ASP, Claim No. 250440

Hey Tess,

We have confirmed that Andrea does not have health insurance of any kind and did not have any at the time of accident either.

[REDACTED]

I can update you when we receive that.

If there is anything else, please let me know.

Thanks so much,

*Paige Eaves*

*Paralegal*

**Mullins & Blake, PLLC**

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Springdale AR 72764

[Paige@mullinsandblake.com](mailto:Paige@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335 | T 479.358.1998

[Website](#) | [Facebook](#)  
[Click here](#) to write a review

---

**From:** Tess Bradford <[tess.bradford@asp.arkansas.gov](mailto:tess.bradford@asp.arkansas.gov)>  
**Sent:** Wednesday, February 19, 2025 8:40 AM  
**To:** Paige Eaves <[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)>; Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Cc:** Bradley Mullins <[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)>  
**Subject:** RE: Martinez v. ASP, Claim No. 250440

Director Irby and Ms. Eaves,

I apologize for my delay in responding here. We just need some kind of written confirmation that neither Claimant is covered by any policy of health insurance. After that, I will be authorized to agree to take this claim out of abeyance.

Tess Bradford  
Arkansas Department of Public Safety  
Arkansas State Police Division  
(501) 618-8583

---

**From:** Paige Eaves <[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)>  
**Sent:** Monday, February 17, 2025 12:52 PM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>; Tess Bradford <[tess.bradford@asp.arkansas.gov](mailto:tess.bradford@asp.arkansas.gov)>  
**Cc:** Bradley Mullins <[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)>  
**Subject:** Martinez v. ASP, Claim No. 250440

Tess and Kathryn,

The signed affidavits are attached, along with the signed medical payments rejections, and the property damage settlement breakdown for the owner of the vehicle.

If you require any additional information, please let me know.

Thanks so much,

*Paige Eaves*  
*Paralegal*  
**Mullins & Blake, PLLC**

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Springdale AR 72764  
[Paige@mullinsandblake.com](mailto:Paige@mullinsandblake.com)  
P 479.750.2334 | F 479.750.2335 | T 479.358.1998  
[Website](#) | [Facebook](#)  
[Click here](#) to write a review

**From:** [Jesi Feld](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Kathryn Irby](#); [paige@mullinsandblake.com](mailto:paige@mullinsandblake.com); [bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com); [Tess Bradford](#)  
**Subject:** Entry of Appearance- Claim No. 250440  
**Date:** Friday, April 25, 2025 2:35:33 PM  
**Attachments:** [Entry of Apperance.pdf](#)  
[image001.jpg](#)

---

Good afternoon,

Please see the attached Entry of Appearance. If you have any questions, please let me know.

Thank you,

Jesi Feld



**Jesi Feld, Attorney**  
Arkansas State Police  
Arkansas Department of Public Safety  
#1 State Police Plaza Drive  
Little Rock, AR 72209  
501-618-8582

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

**ANDREA AVILES MARTINEZ  
AND**

**CLAIMANT**



**V.**

**CLAIM NO. 250440**

**ARKANSAS STATE POLICE**

**RESPONDENT**

**ENTRY OF APPEARANCE**

Comes now Jesi Feld, for her entry of appearance, stated:

1. Attorney Jesi Feld respectfully requests that her name be entered as attorney of record for the Respondent in this case.
2. Attorney Jesi Feld requests that copies of all pleadings and other papers served or filed in this action be served upon her.

Respectfully submitted,

/s/ Jesi Feld

Jesi Feld, Staff Attorney #2022131  
 Arkansas State Police Division  
 Arkansas Department of Public Safety  
 #1 State Police Plaza Drive  
 Little Rock, AR 72209  
 Telephone: (501) 618-8582

**CERTIFICATE OF SERVICE**

I, Jesi Feld, hereby certify that a copy of the above and foregoing pleading has been served on those listed below via electronic mail this 25<sup>th</sup> day of April 2025.

[ascpleadings@arkansas.gov](mailto:ascpleadings@arkansas.gov)

[Kathryn.Irby@Arkansas.gov](mailto:Kathryn.Irby@Arkansas.gov)

[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)

[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)

/s/ Jesi Feld  
Jesi Feld

**From:** [Tess Bradford](#)  
**To:** [Kathryn Irby](#); [ASCC Pleadings](#)  
**Cc:** [Jesi Feld](#); [Bradley Mullins](#); [Paige Eaves](#)  
**Subject:** RE: Martinez v. ASP, Claim No. 250440  
**Date:** Friday, May 9, 2025 10:25:29 AM  
**Attachments:** [Settlement Agreement Martinez, Andrea 250440.pdf](#)

---

Director Irby,

The Parties have reached a settlement on behalf of Andrea Martinez. This settlement is in excess of \$15,000.00. Please let us know if there is anything else you may need regarding this settlement.

[REDACTED]

Thank you,

Tess Bradford  
Arkansas Department of Public Safety  
Arkansas State Police Division  
(501) 618-8583

---

**From:** Tess Bradford <tess.bradford@asp.arkansas.gov>  
**Sent:** Thursday, February 20, 2025 3:38 PM  
**To:** Paige Eaves <paige@mullinsandblake.com>  
**Cc:** Bradley Mullins <bradley@mullinsandblake.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Subject:** RE: Martinez v. ASP, Claim No. 250440

Thank you, Paige! We can agree to Andrea's claim coming out of abeyance. [REDACTED]

[REDACTED]

Tess Bradford  
Arkansas Department of Public Safety  
Arkansas State Police Division  
(501) 618-8583

---

**From:** Paige Eaves <paige@mullinsandblake.com>  
**Sent:** Thursday, February 20, 2025 3:21 PM  
**To:** Tess Bradford <tess.bradford@asp.arkansas.gov>  
**Cc:** Bradley Mullins <bradley@mullinsandblake.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Subject:** RE: Martinez v. ASP, Claim No. 250440

Hey Tess,

We have confirmed that Andrea does not have health insurance of any kind and did not have any at the time of accident either.

[REDACTED]

I can update you when we receive that.

If there is anything else, please let me know.

Thanks so much,

*Paige Eaves*

*Paralegal*

**Mullins & Blake, PLLC**

802 West Maple Avenue

Springdale AR 72764

[Paige@mullinsandblake.com](mailto:Paige@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335 | T 479.358.1998

[Website](#) | [Facebook](#)

[Click here](#) to write a review

---

**From:** Tess Bradford <[tess.bradford@asp.arkansas.gov](mailto:tess.bradford@asp.arkansas.gov)>

**Sent:** Wednesday, February 19, 2025 8:40 AM

**To:** Paige Eaves <[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)>; Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>

**Cc:** Bradley Mullins <[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)>

**Subject:** RE: Martinez v. ASP, Claim No. 250440

Director Irby and Ms. Eaves,

I apologize for my delay in responding here. We just need some kind of written confirmation that neither Claimant is covered by any policy of health insurance. After that, I will be authorized to agree to take this claim out of abeyance.

Tess Bradford

Arkansas Department of Public Safety

Arkansas State Police Division  
(501) 618-8583

---

**From:** Paige Eaves <[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)>  
**Sent:** Monday, February 17, 2025 12:52 PM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>; Tess Bradford <[tess.bradford@asp.arkansas.gov](mailto:tess.bradford@asp.arkansas.gov)>  
**Cc:** Bradley Mullins <[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)>  
**Subject:** Martinez v. ASP, Claim No. 250440

Tess and Kathryn,

The signed affidavits are attached, along with the signed medical payments rejections, and the property damage settlement breakdown for the owner of the vehicle.

If you require any additional information, please let me know.

Thanks so much,

*Paige Eaves*

*Paralegal*

**Mullins & Blake, PLLC**

802 West Maple Avenue

Springdale AR 72764

[Paige@mullinsandblake.com](mailto:Paige@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335 | T 479.358.1998

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[Click here](#) to write a review

**From:** [Bradley Mullins](#)  
**To:** [Kathryn Irby](#)  
**Cc:** [Tess Bradford](#); [Jesi Feld](#); [Paige Eaves](#)  
**Subject:** Re: INFO NEEDED: Martinez v. ASP, Claim No. 250440  
**Date:** Thursday, May 15, 2025 2:09:30 PM  
**Attachments:** [Settlement Agreement Martinez, Andrea 250440.pdf](#)

---

Ms. Irby,

Please find attached the document signed by me. Thank you.

Bradley

---

**From:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Sent:** Thursday, May 15, 2025 11:27 AM  
**To:** Bradley Mullins <bradley@mullinsandblake.com>  
**Cc:** Tess Bradford <tess.bradford@asp.arkansas.gov>; Jesi Feld <Jesi.Feld@asp.arkansas.gov>; Paige Eaves <paige@mullinsandblake.com>  
**Subject:** RE: INFO NEEDED: Martinez v. ASP, Claim No. 250440

Mr. Mullins, I understand that you are serving as claimant's attorney. What I am trying to avoid is questions by the Commission or later, by the Legislature, as to why there is a blank signature line. It looks like an incomplete document. For the parties' benefit in getting this settlement ultimately approved by the Legislature, I try to make sure there are no apparent loose ends that may lead to questions.

If you can sign to indicate your approval of the settlement in your capacity as the claimant's attorney, that seems to be the simplest way to move forward here.

Kathryn Irby

---

**From:** Bradley Mullins <bradley@mullinsandblake.com>  
**Sent:** Thursday, May 15, 2025 11:23 AM  
**To:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Cc:** Tess Bradford <Tess.Bradford@asp.arkansas.gov>; Jesi Feld <Jesi.Feld@asp.arkansas.gov>; Paige Eaves <paige@mullinsandblake.com>  
**Subject:** Re: INFO NEEDED: Martinez v. ASP, Claim No. 250440

I did not sign as I have nothing to release. As the claimant's attorney, I am not a party to the settlement.

If the commission needs me to sign and mark as "approved by" only I can do that, but that is the extent of what my signature can be on this document.

Please let me know.

-Bradley Mullins  
Mullins & Blake Attorneys

On May 15, 2025, at 11:15 AM, Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

Counselors, this settlement agreement has not been signed by Andrea Martinez’s attorneys. Is this an intentional omission? If not, will the parties please submit a complete settlement agreement to the Commission?

Thanks,  
Kathryn Irby

---

**From:** Tess Bradford <[Tess.Bradford@asp.arkansas.gov](mailto:Tess.Bradford@asp.arkansas.gov)>  
**Sent:** Friday, May 9, 2025 10:25 AM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>; ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>  
**Cc:** Jesi Feld <[Jesi.Feld@asp.arkansas.gov](mailto:Jesi.Feld@asp.arkansas.gov)>; Bradley Mullins <[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)>; Paige Eaves <[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)>  
**Subject:** RE: Martinez v. ASP, Claim No. 250440

Director Irby,

The Parties have reached a settlement on behalf of Andrea Martinez. This settlement is in excess of \$15,000.00. Please let us know if there is anything else you may need regarding this settlement.

[Redacted]

Thank you,

Tess Bradford  
Arkansas Department of Public Safety  
Arkansas State Police Division  
(501) 618-8583

**From:** Tess Bradford <[tess.bradford@asp.arkansas.gov](mailto:tess.bradford@asp.arkansas.gov)>  
**Sent:** Thursday, February 20, 2025 3:38 PM  
**To:** Paige Eaves <[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)>  
**Cc:** Bradley Mullins <[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)>; Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** RE: Martinez v. ASP, Claim No. 250440

Thank you, Paige! We can agree to Andrea's claim coming out of abeyance. [REDACTED]

Tess Bradford  
Arkansas Department of Public Safety  
Arkansas State Police Division  
(501) 618-8583

---

**From:** Paige Eaves <[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)>  
**Sent:** Thursday, February 20, 2025 3:21 PM  
**To:** Tess Bradford <[tess.bradford@asp.arkansas.gov](mailto:tess.bradford@asp.arkansas.gov)>  
**Cc:** Bradley Mullins <[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)>; Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** RE: Martinez v. ASP, Claim No. 250440

Hey Tess,

We have confirmed that Andrea does not have health insurance of any kind and did not have any at the time of accident either.

[REDACTED]

I can update you when we receive that.

If there is anything else, please let me know.

Thanks so much,

*Paige Eaves*

*Paralegal*

**Mullins & Blake, PLLC**

802 West Maple Avenue

Springdale AR 72764

[Paige@mullinsandblake.com](mailto:Paige@mullinsandblake.com)

P 479.750.2334 | F 479.750.2335 | T 479.358.1998

[Website](#) | [Facebook](#)

[Click here](#) to write a review

---

**From:** Tess Bradford <[tess.bradford@asp.arkansas.gov](mailto:tess.bradford@asp.arkansas.gov)>

**Sent:** Wednesday, February 19, 2025 8:40 AM

**To:** Paige Eaves <[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)>; Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>

**Cc:** Bradley Mullins <[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)>

**Subject:** RE: Martinez v. ASP, Claim No. 250440

Director Irby and Ms. Eaves,

I apologize for my delay in responding here. We just need some kind of written confirmation that neither Claimant is covered by any policy of health insurance. After that, I will be authorized to agree to take this claim out of abeyance.

Tess Bradford

Arkansas Department of Public Safety

Arkansas State Police Division

(501) 618-8583

---

**From:** Paige Eaves <[paige@mullinsandblake.com](mailto:paige@mullinsandblake.com)>

**Sent:** Monday, February 17, 2025 12:52 PM

**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>; Tess Bradford <[tess.bradford@asp.arkansas.gov](mailto:tess.bradford@asp.arkansas.gov)>

**Cc:** Bradley Mullins <[bradley@mullinsandblake.com](mailto:bradley@mullinsandblake.com)>

**Subject:** Martinez v. ASP, Claim No. 250440

Tess and Kathryn,

The signed affidavits are attached, along with the signed medical payments rejections, and the property damage settlement breakdown for the owner of the vehicle.

If you require any additional information, please let me know.

Thanks so much,

*Paige Eaves*

*Paralegal*

**Mullins & Blake, PLLC**

802 West Maple Avenue

Springdale AR 72764

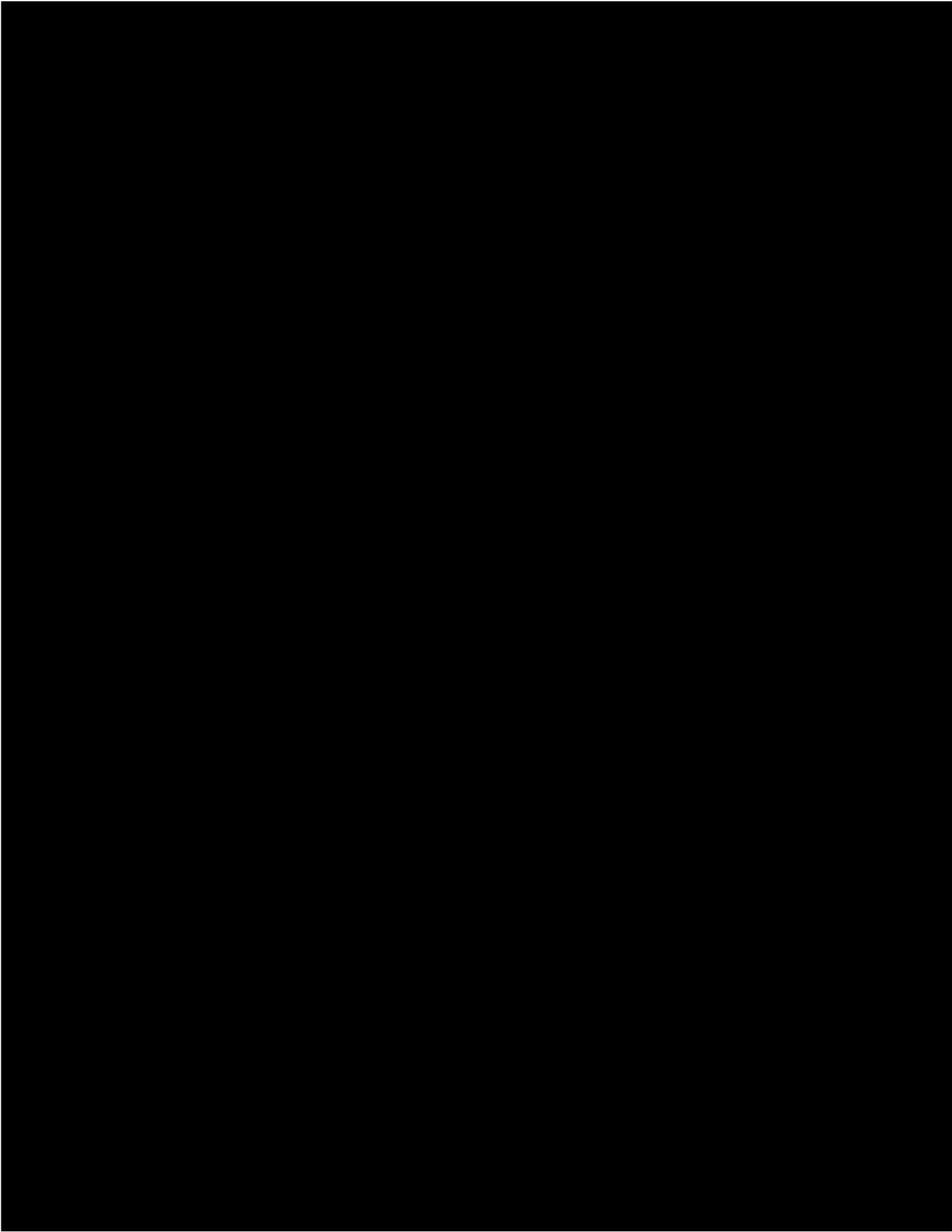
[Paige@mullinsandblake.com](mailto:Paige@mullinsandblake.com)

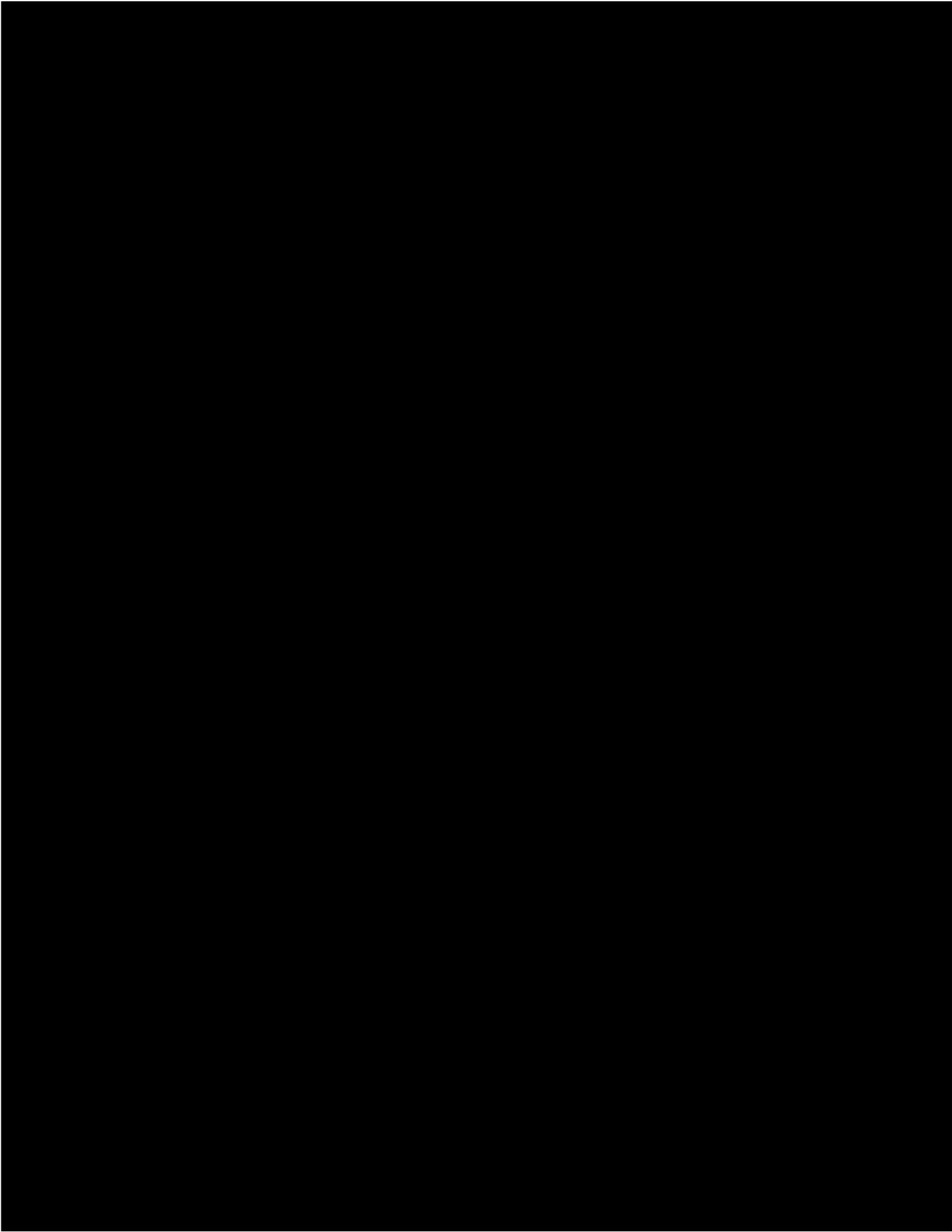
P 479.750.2334 | F 479.750.2335 | T 479.358.1998

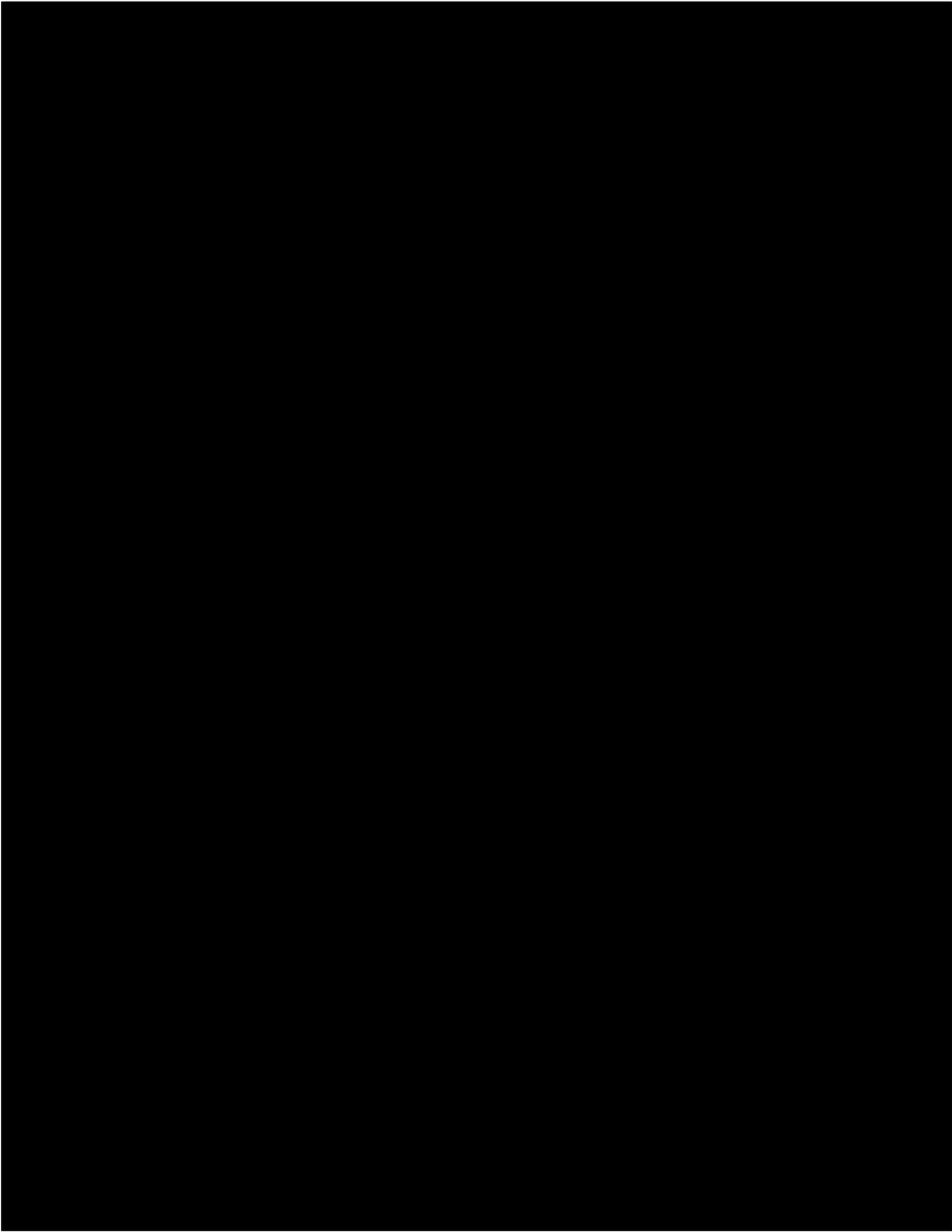
[Website](#) | [Facebook](#)

[Click here](#) to write a review

<Settlement Agreement Martinez, Andrea 250440.pdf>







**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**ANDREA AVILES MARTINEZ and**

**[REDACTED]**

**CLAIMANT**

**V.**

**CLAIM NO. 250440**

**ARKANSAS STATE POLICE**

**RESPONDENT**

**ORDER**

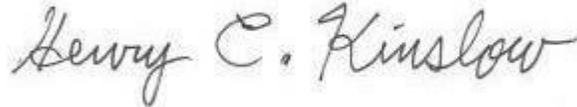
Now before the Arkansas State Claims Commission (the “Commission”) is the Release and Settlement Agreement (the “Agreement”) signed by Andrea Aviles Martinez (referred to herein as “Separate Claimant Martinez”), counsel for Separate Claimant Martinez, and counsel for the Arkansas State Police. This Agreement relates to the damages incurred by Separate Claimant Martinez only—the claim involving [REDACTED] is still pending. Based upon a review of the claim file and the Agreement, the Commission hereby APPROVES the Agreement and REFERS the award of \$25,000.00 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  
Henry Kinslow, chair




---

ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: June 5, 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:** [Tess Bradford](#); [Bradley Mullins](#)  
**Cc:** [Jesi Feld](#); [Paige Eaves](#)  
**Bcc:** [Mika Tucker](#)  
**Subject:** ORDER: Martinez v. ASP, Claim No. 250440  
**Date:** Friday, June 6, 2025 9:43:00 AM  
**Attachments:** [C6--Martinez v. ASP, 250440.pdf](#)

---

Counselors, please see attached order related to Ms. Martinez’s claim. The Commission will send this order over to the Legislature for review, approval, and placement on an appropriations bill when the entire claim has been resolved. To the extent that either party is concerned about the time that it may take to resolve [REDACTED], I would note that the Legislature will not have another appropriations bill until late spring 2025. If both claimants’ claims are fully concluded by November 1 of this year, that should mean that the claim can be reviewed by the Legislature in time to be added to the spring 2025 appropriations bill. Of course, I cannot guarantee what the Legislature will or won’t do, but it has been my experience that claims sent to the Legislature by November 1 are reviewed by the Legislature in time to be added to the appropriations bill.

Alternatively, the parties can discuss filing something in order to sever [REDACTED] claim from Ms. Martinez’s claim.

Thanks,  
Kathryn Irby

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

**From:** [Joshua Han](#)  
**To:** [Kathryn Irby](#); [ASCC Pleadings](#)  
**Cc:** [Tess Bradford](#); [Jesi Feld](#); [Roxanne Blake](#); [Bradley Mullins](#)  
**Subject:** Martinez v. ASP, Claim No. 250440.  
**Date:** Wednesday, June 18, 2025 3:09:49 PM  
**Attachments:** [Proposed Order to Sever Claims-Signed.pdf](#)

---

Some people who received this message don't often get email from joshua@mullinsandblake.com. [Learn why this is important](#)

Good afternoon, Director Irby,

My name is Joshua Han from Mullins and Blake Attorneys. Please find attached a proposed order to sever claims for filing in the Martinez v. ASP, Claim NO. 250440. Please let me know if you have any questions.

Thank you,

*Joshua Han*

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION****ANDREA AVILES MARTINEZ****CLAIMANT**And **V.****CLAIM NO: 250440****ARKANSAS STATE CLAIMS COMMISSION****RESPONDENT****PROPOSED ORDER TO SEVER CLAIMS**

Now before the Arkansas State Claims Commission, comes the parties, by and through their undersigned counsel, and hereby stipulate and agree to the following:

1. That the claim above currently includes multiple claimants that may be more appropriately considered separately by the Commission.
2. Each of the severed claims will proceed independently from now on before the Commission, be assigned a new claim number, and will not affect the merits or rights of the other party.
3. All parties reserve all rights and defenses as to each respective severed claim.

WHEREFORE, the parties respectfully request that the Arkansas State Claims Commission enter an order severing the claims consistent with the above stipulation.

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 2025.

CLAIMANT'S COUNSEL



---

Bradley Mullins, ABA 2012175  
Roxanne D. Blake, ABA 2007225  
Mullins & Blake, PLLC  
802 W. Maple Ave.  
Springdale, AR 72764  
bradley@mullinsandblake.com  
roxanne@mullinsandblake.com

RESPONDENT'S COUNSEL



---

Jesi Feld, Attorney  
Arkansas State Police  
AR Department of Public Safety  
#1 State Police Plaza Drive  
Little Rock, AR 72209  
Jesi.Feld@asp.arkansas.gov

IT IS SO ORDERED.

---

ARKANSAS STATE CLAIMS COMMISSION  
Solomon Graves

---

ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow, chair

---

ARKANSAS STATE CLAIMS COMMISSION  
SYLVESTER SMITH

DATE: \_\_\_\_\_

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**ANDREA AVILES MARTINEZ and**

████████████████████

**CLAIMANT**

**V.**

**CLAIM NO. 250440**

**ARKANSAS STATE POLICE**

**RESPONDENT**

**ORDER**

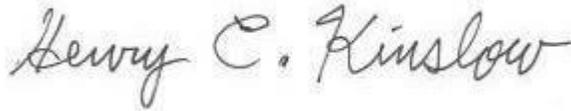
Now before the Arkansas State Claims Commission (the “Commission”) is the proposed order submitted by the parties asking that the claims of each claimant be severed for separate consideration. The Commission notes that it entered an order on June 5, 2025, approving the settlement agreement between separate claimant Andrea Aviles Martinez and the Arkansas State Police. The Commission notes that the claim by separate claimant ██████████ against the Arkansas State Police is still pending.

The Commission finds that it is appropriate to sever the claim of Andrea Aviles Martinez from the claim of ██████████ to allow Ms. Martinez’s claim to proceed to the Arkansas General Assembly for review, approval, and placement on an appropriations bill pursuant to Ark. Code Ann. § 19-10-215. As such, the Commission hereby SEVERES the claim of ██████████ against the Arkansas State Police from the instant claim and assigns a new claim number (Claim No. 251907) to the severed claim.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION  
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow, chair



ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: July 18, 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:** [Tess Bradford](#); [Bradley Mullins](#)  
**Cc:** [Jesi Feld](#); [Paige Eaves](#)  
**Subject:** ORDER: Martinez v. ASP, Claim No. 250440  
**Date:** Monday, July 21, 2025 5:02:00 AM  
**Attachments:** [C1--Martinez and Aviles v. ASP, 250440.pdf](#)

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Counselors, please see attached. Please make sure that any future filings related to [REDACTED] utilize the new claim number. I will send the Martinez claim to the Legislature for review, approval, and placement on an appropriations bill. I expect to have it sent over by August 11, and I will copy all of you when I transmit the claim file to the Bureau of Legislative Research.

Let me know if there are any questions.

Kathryn Irby

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**From:** Kathryn Irby  
**Sent:** Friday, June 6, 2025 9:44 AM  
**To:** Tess Bradford <tess.bradford@asp.arkansas.gov>; Bradley Mullins <bradley@mullinsandblake.com>  
**Cc:** Jesi Feld <Jesi.Feld@asp.arkansas.gov>; Paige Eaves <paige@mullinsandblake.com>  
**Subject:** ORDER: Martinez v. ASP, Claim No. 250440

Counselors, please see attached order related to Ms. Martinez's claim. The Commission will send this order over to the Legislature for review, approval, and placement on an appropriations bill when the entire claim has been resolved. To the extent that either party is concerned about the time that it may take to resolve [REDACTED] claim, I would note that the Legislature will not have another appropriations bill until late spring 2025. If both claimants' claims are fully concluded by November 1 of this year, that should mean that the claim can be reviewed by the Legislature in time to be added to the spring 2025 appropriations bill. Of course, I cannot guarantee what the Legislature will or won't do, but it has been my experience that claims sent to the Legislature by November 1 are reviewed by the Legislature in time to be added to the appropriations bill.

Alternatively, the parties can discuss filing something in order to sever [REDACTED] claim from Ms. Martinez's claim.

Thanks,  
Kathryn Irby

**Kathryn Irby**  
**Arkansas State Claims Commission**  
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