

ARKANSAS CLAIMS COMMISSION

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



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

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

CLAIM FORM

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

Mr. Patterson Buddy

(title last name/compan first name (email)

██████████

(address)

██████████ █ █ █

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

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

Heil Christopher chrisheil@taylorkinglaw.com

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

820 West 3rd Street 92128

(address) AR bar number

Little Rock AR 72201 (501) 400-0572

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

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

Arkansas Department of Transportation

4. Incident Date _____

5. Location of Incident _____

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

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

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

ON 2/4/22 N Main St Melbourne (Hwy (9) a 2003 Sterling snowplow plate Number 9177 AR driven by Lance Gross [REDACTED] was plowing when his blade caught something and threw him into oncoming traffic. He hit head on with Buddy Patterson [REDACTED] [REDACTED] Buddy was driving a 1998 Dodge Ram 1500 Plate number [REDACTED] . The Vehicle was towed to Triangle B Towing in Melbourne AR State Police report [REDACTED]

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

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

10. Additional Required Documents for Property Damage Claim

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

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

2003 Sterling plow truck	9177	Lance Kerwin Gross
(type of state vehicle involved)	(license number)	(driver)

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

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

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

14. Amount of Damages, if known: \$40,000.00

IMPORTANT!

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

STOP!

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

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

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

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

Claimant Signature

ACKNOWLEDGEMENT

State of _____

County of _____

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

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

Signature of Notary Public

[seal of office]

My Commission Expires: _____

From: [Kayla Kosier](#)
To: [ASCC New Claims](#)
Subject: Buddy Patterson Claim# 221005
Date: Tuesday, February 22, 2022 12:44:42 PM
Attachments: [Picture \(Device Independent Bitmap\) 1.jpg](#)
[Picture \(Device Independent Bitmap\) 2.jpg](#)
[Picture \(Device Independent Bitmap\) 3.jpg](#)
[Picture \(Device Independent Bitmap\) 4.jpg](#)
[Picture \(Device Independent Bitmap\) 5.jpg](#)
[Buddy Patterson Claim 221005.pdf](#)

Kayla Kosier
 Account Representative



Mike Watson State Farm

649 E Main Street
 Melbourne, AR 72556
www.watsonsfinsurance.com
 870-368-7870 office
 870-368-4582 fax




Text us 24/7 @ 870-856-3111

As a client of the Mike Watson State Farm agency,
 You have access to your policies 24/7:

[CLICK HERE TO GAIN ACCESS TO VIEW YOUR State Farm POLICY ONLINE](#)

Now download State Farm Pocket Agent to your Smart phone, learn how at:
<https://www.statefarm.com/customer-care/download-mobile-apps/pocket-agent>

Thank you for choosing the Mike Watson State Farm Agency!

*We value customer feedback
 Please take a moment to click one of the below links & review our service
 Your compliments to our team are appreciated!*

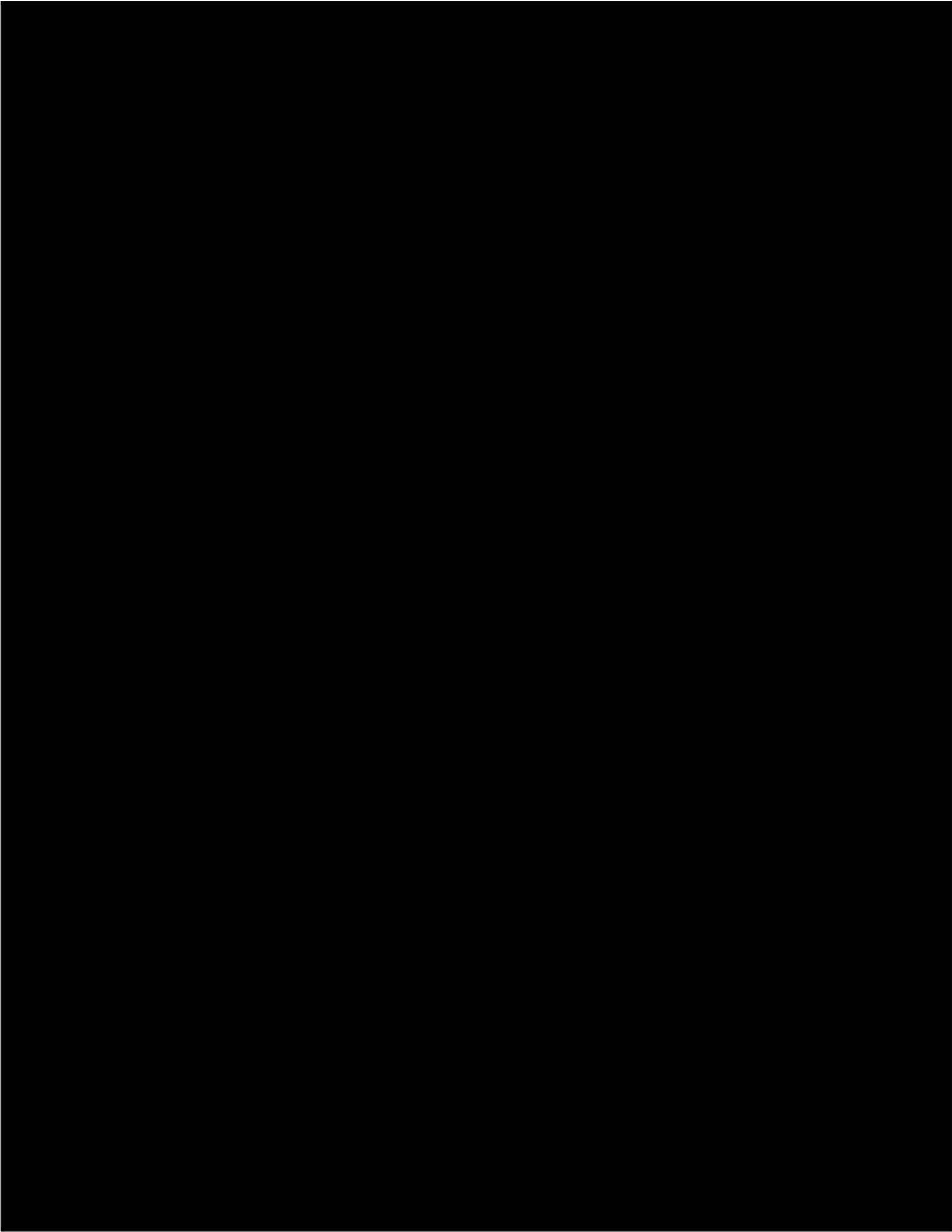
Mike & Team

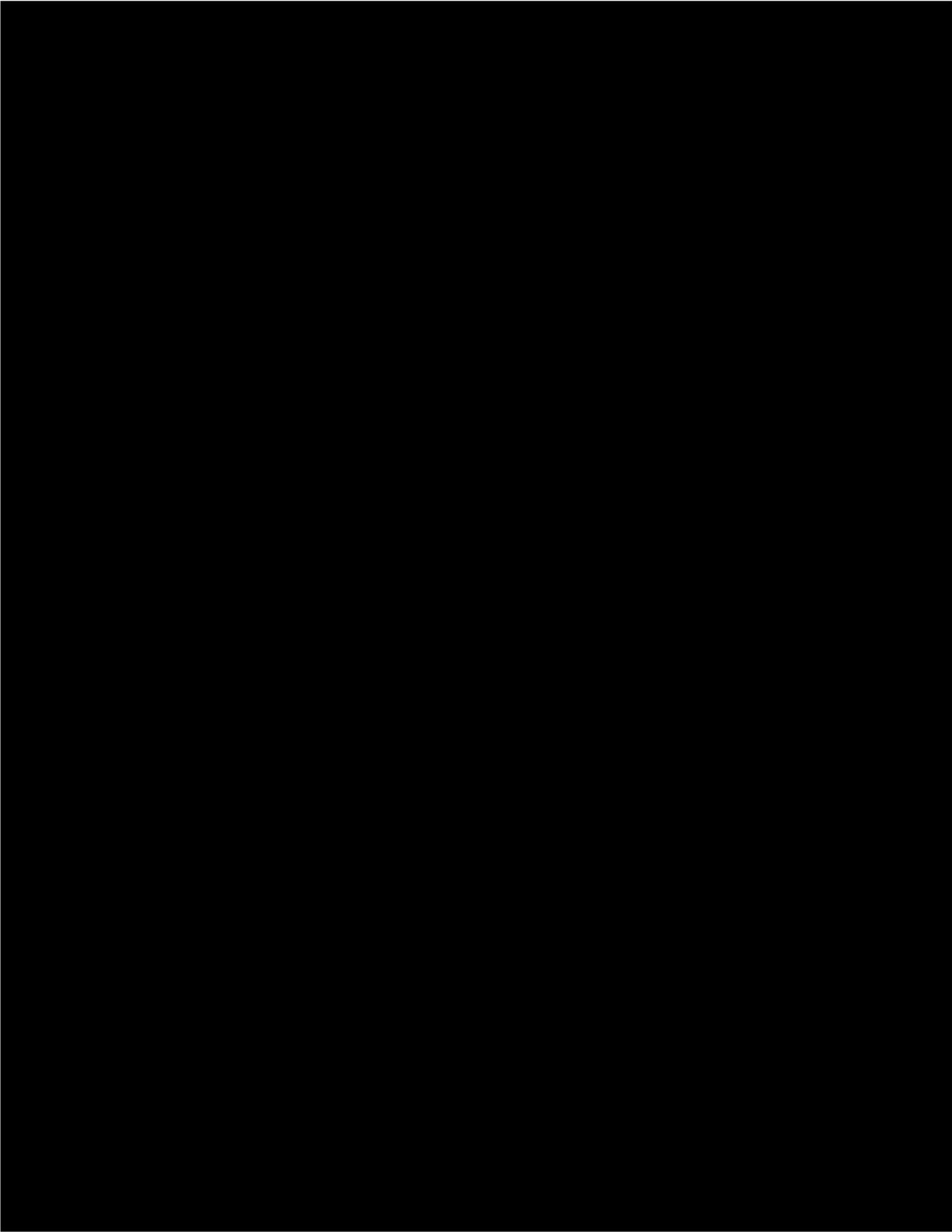


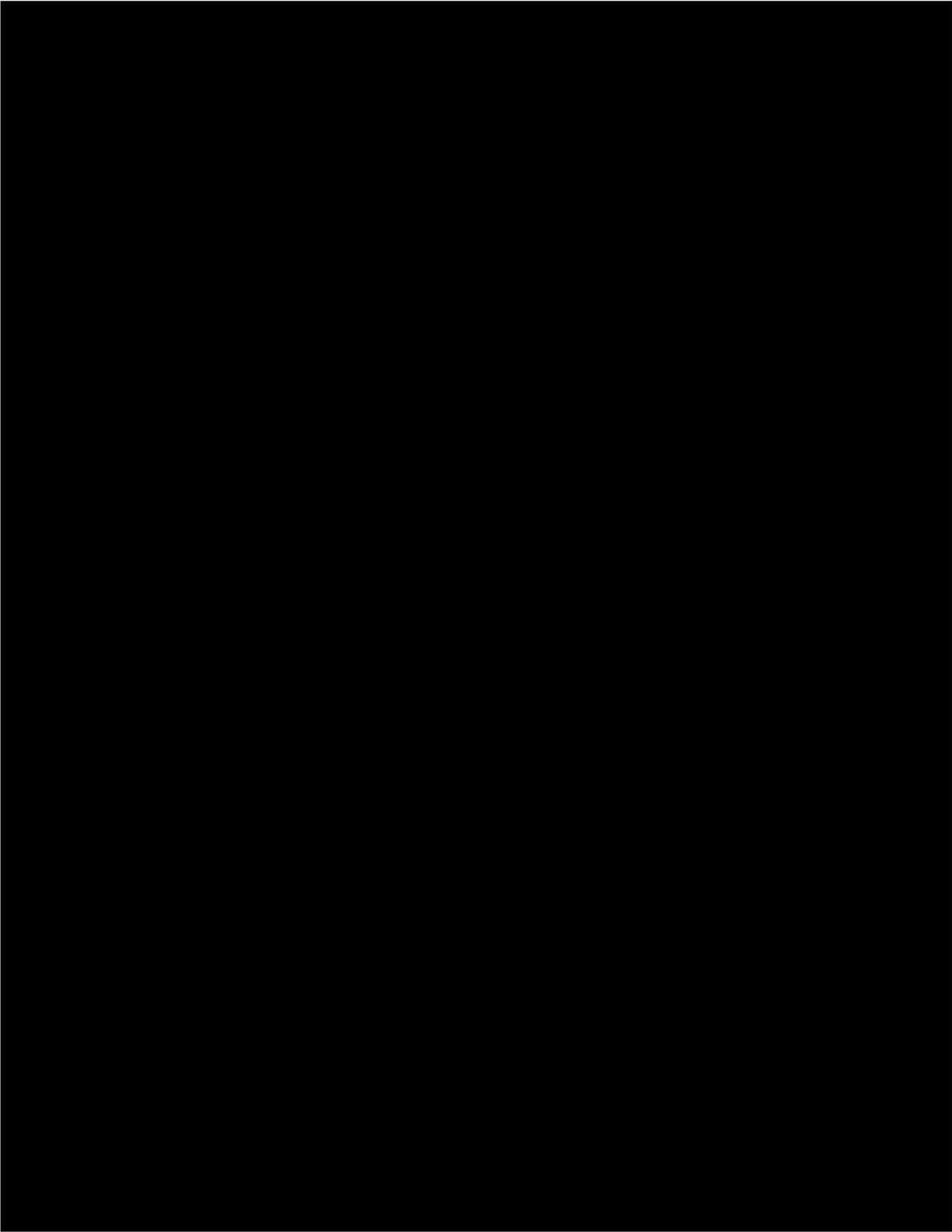
Buddy will not be able to provide 3 different estimates for his vehicle due to the fact that it is immobile and inoperable.

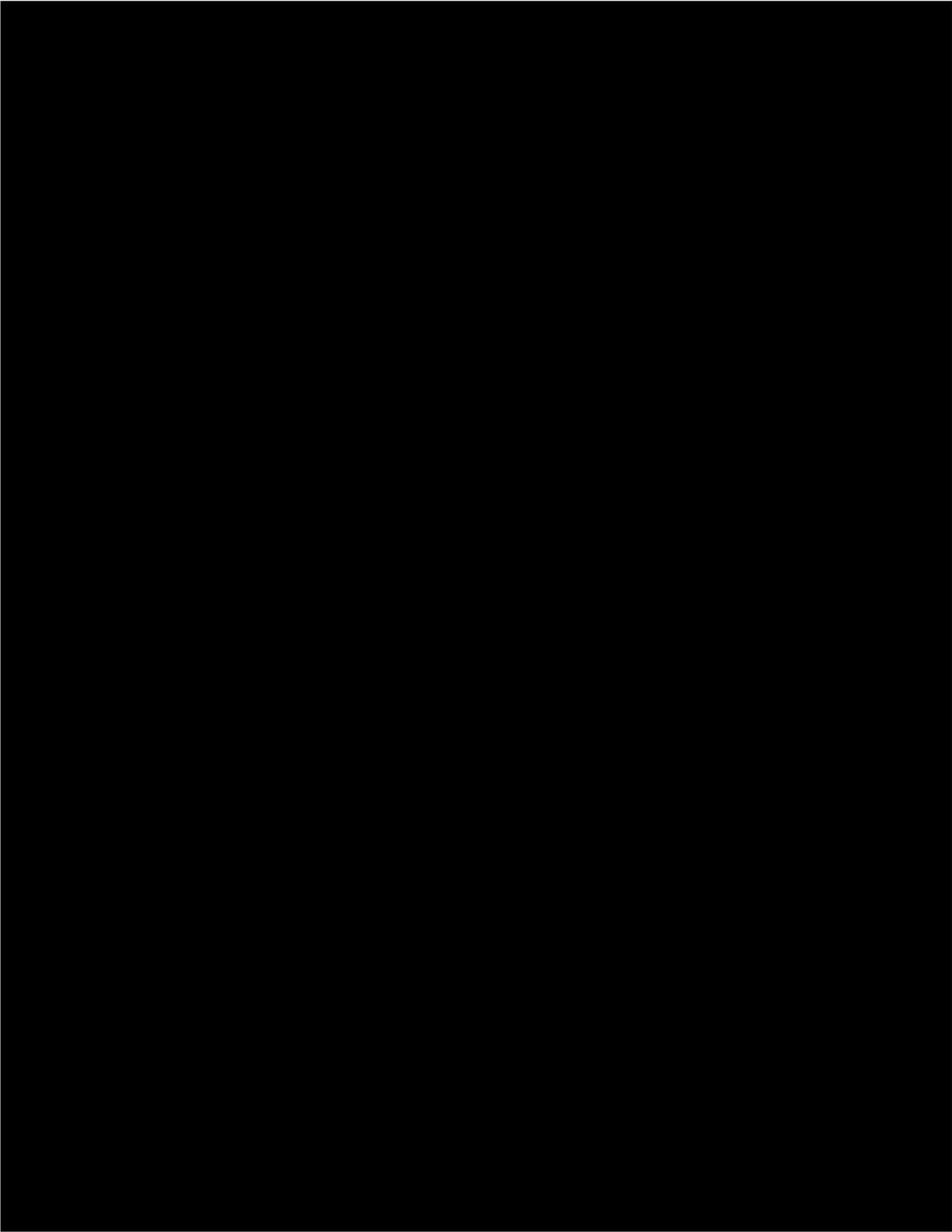
Kohl Caraway Agency Manager @ Mike Watson State Farm

 Lic. # 187 16448









FEB 25 2022

RECEIVED

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

CLAIM SUBMISSION SIGNATURE PAGE

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

Buddy PATTERSON
Claimant Name (must be printed legibly)

Buddy Patterson
Claimant Signature

Acknowledgement

State of ARKANSAS

County of IZARD

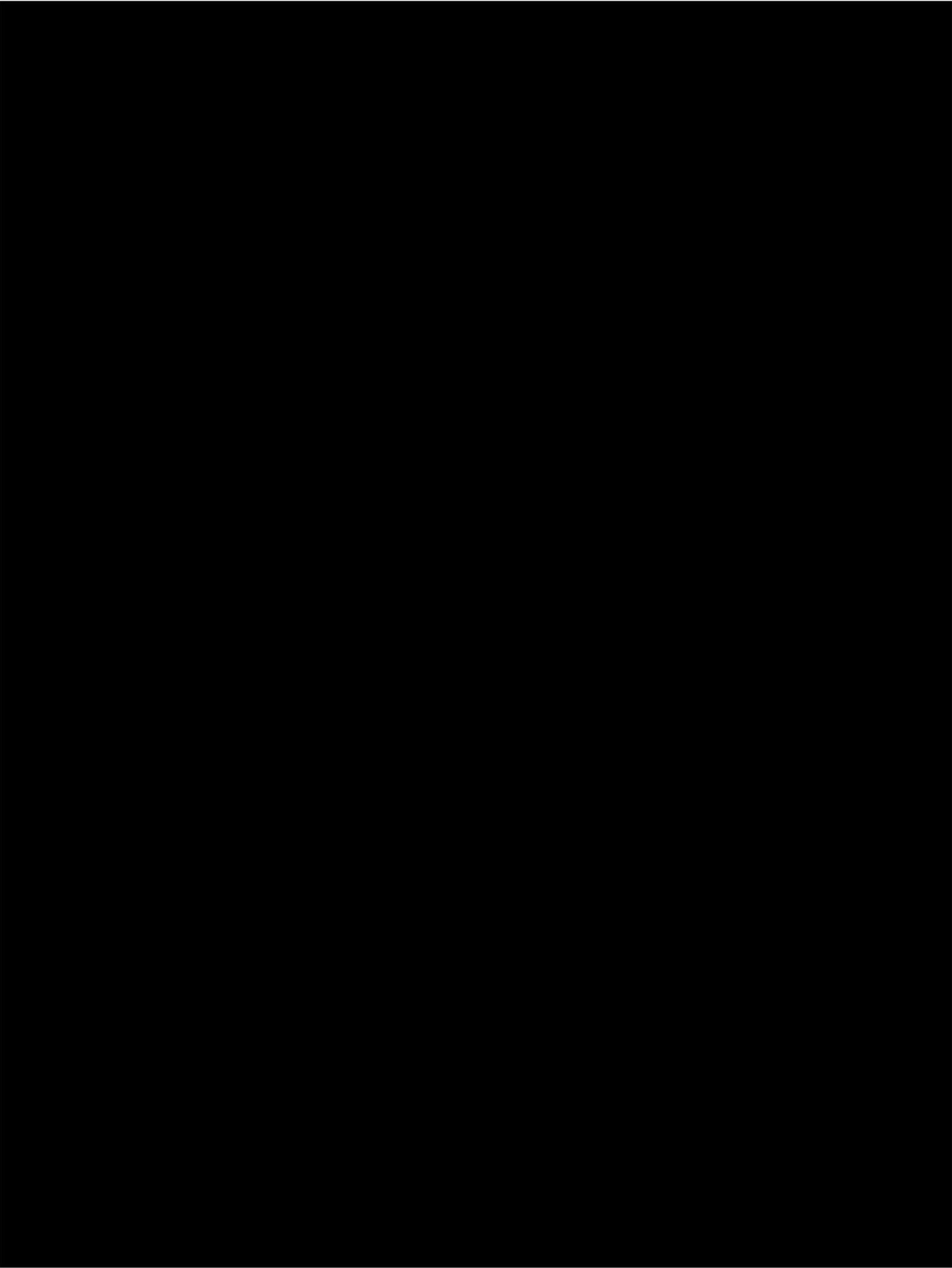
On this the 21st day of Feb, 2022, before me, the undersigned notary, personally appeared Buddy Patterson known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Joe Kohl Caraway
Signature of Notary Public

My Commission expires: 04-10-2022







TRIANGLE B TOWING, INC.

DBA
**SKEETER BEENE'S
FAMILY, INC.**

CAR CARE CENTER, TOWING, & SALVAGE
PO Box 505 • 260 N. Main • Melbourne, AR 72556
870-368-4350

24 HOUR ROAD SERVICE

09810

TIME OF CALL A.M. P.M.	DATE IN 2-4-22	DATE OUT	TIME START A.M. P.M.	TIME FINISH A.M. P.M.	REQUESTED BY SP LP OR	PO/CASE #	OFFICER NAME T24
NAME Ruddy Patterson					PHONE		
ADDRESS							
CITY							
YEAR	MAKE/MODEL Bodge	COLOR	ODOMETER		DRIVER		
MARKER PLATE #	STATE	REGISTERED OWNER					
LOCATION OF VEHICLE Hwy 9 North 4 mi							
TOWED TO							
REASON FOR TOW				VEHICLE STORAGE TIME			
<input checked="" type="checkbox"/> ACCIDENT	<input type="checkbox"/> BREAKDOWN	FROM		TO	DAYS @ \$		
<input type="checkbox"/> ABANDONED	<input type="checkbox"/> UNREGIST	MILEAGE		TOTAL 4			
<input type="checkbox"/> NO START	<input type="checkbox"/> OUT OF G/	AS of		ASIC RGE 150.00			
<input type="checkbox"/> FLAT TIRE	<input type="checkbox"/> FIRE LANE	2-28-22		AGE 12.00			
<input type="checkbox"/> LOCK OUT	<input type="checkbox"/> NO TRESP	\$1740.73		TRIP AGE			
<input type="checkbox"/> TOW ZONE	<input type="checkbox"/> ARREST			ERY 350.00			
<input type="checkbox"/> STOLEN	<input type="checkbox"/> IMPOUNDE			an Up/ Parts 150.00			
<input type="checkbox"/> SNOW REMOVAL	<input type="checkbox"/>			in Fee Letter 60.00			
METHOD OF PAYMENT				AGE			
<input type="checkbox"/> CASH	<input type="checkbox"/> CHARGE	<input type="checkbox"/> CHECK #					
<input type="checkbox"/> M/C	<input type="checkbox"/> VISA	<input type="checkbox"/> AMERICAN EXPRESS	EXP. DATE				
DRIVER'S SIGNATURE				DATE			
AUTHORIZED SIGNATURE				DATE			
TOTAL				TAX			
TOTAL				TOTAL			

Thank You

From: [ASCC New Claims](#)
To: Rita.Looney@ardot.gov; [Sparks, Trella A.](#); [Blakley, Sharon](#)
Cc: [Kathryn Irby](#)
Subject: CLAIM: Buddy Patterson v. ArDOT, Claim No. 221005
Date: Monday, March 14, 2022 10:35:00 AM
Attachments: [Buddy Patterson ArDOT agency ltr.pdf](#)
[Buddy Patterson Claim.pdf](#)
[Buddy Patterson Claim# 221005.msg](#)
[Buddy Patterson Sig.pdf](#)
[Buddy Patterson Additional docs.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

Caitlin.McDaniel@arkansas.gov

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

March 14, 2022

Ms. Rita Looney
Arkansas Department of Transportation
Post Office Box 2261
Little Rock, Arkansas 72209

(via email)

RE: ***Buddy Patterson v. Arkansas Department of Transportation***
Claim No. 221005

Dear Ms. Looney,

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

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

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Buddy Patterson, *Claimant* (w/o encl.)

From: [Blakley, Sharon](#)
To: [ASCC Pleadings](#)
Cc: [Sparks, Trella A.](#)
Subject: Patterson v ARDOT Claim 221005 ANS & Respondent's First Set of Interrogatories and Requests for Production of Documents
Date: Wednesday, March 16, 2022 1:53:14 PM
Attachments: [image001.png](#)
[Patterson.221005. Interrogatories and Requests.2022.03.16.pdf](#)
[Patterson.221005\(ANS-Req Hearing\).2022.03.16.pdf](#)
[Patterson.221005\(cvr ltr ANS\).2022.03 \(1\).pdf](#)

Please acknowledge receipt of the attached Answer and Respondent's First Set of Interrogatories and Requests for Production of Documents Propounded to the Claimant.

Sharon D. Blakley

ARDOT - Legal Office Manager
Tax Intercept Unit Administrator
(501) 569-2022 fax (501)569-2164

Sharon.Blakley@ardot.gov

ArDOT Logo (email)



March is Colorectal Cancer Awareness Month

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

BUDDY PATTERSON

CLAIMANT

V.

CLAIM NO. 221005

ARKANSAS DEPARTMENT OF TRANSPORTATION

RESPONDENT

ANSWER

COMES THE RESPONDENT, Arkansas Department of Transportation, by and through its Staff Attorney, Trella A. Sparks, and for its Answer states the following:

1. The Respondent requests that this matter be scheduled for a hearing to determine the nature and extent of the Claimant's damages, if any.
2. The Respondent denies liability for any storage charges Claimant may have incurred, because this would constitute failure by Claimant to mitigate the damages.

WHEREFORE, Respondent prays that this matter be heard before the Claims Commission to determine the nature and extent of Claimant's damages, if any.

**RESPECTFULLY SUBMITTED,
ARKANSAS DEPARTMENT OF TRANSPORTATION**

Trella A. Sparks

By: _____

Trella A. Sparks
Staff Attorney
ARDOT, Legal Division
Arkansas Bar No. 2004-105
P. O. Box 2261
Little Rock, AR 72203-2261
(501) 569-2022

CERTIFICATE OF SERVICE

I, Trella A. Sparks, certify that I have served the foregoing Answer upon the Claimant by mailing a true copy of same this 16th of March, 2022 to:

Buddy Patterson

██████████
████████████████████

Trella A. Sparks

Trella A. Sparks

INTERROGATORY NO. 3: Did you have automobile insurance for any vehicle or on any policy at the time of the accident on or about February 4, 2022? If yes, please state:

- a) Name, company, address, and phone number where such policy is held
- b) Policy holder's name

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1: Please attach a copy of the Declaration Page of any insurance policy, and the complete insurance policy you referred to in your answer to the preceding Interrogatory.

INTERROGATORY NO. 4: Was there any adult passengers/drivers present in the 1998 Dodge Pickup at the time of the accident on or about February 4, 2022? If yes, please state:

- a) Name, address, and telephone number of the driver/passenger
- b) Name, company, address, and telephone number of the person to whom the statement was made
- c) Did they give any statement to police, ARDOT, or any insurance company?
- d) Gist of the statement

INTERROGATORY NO. 5: In order to properly determine the fair market value of the vehicle pursuant to Kelly Blue Book (kbb.com), please state whether on the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any minor or moderate scratches to the paint, dents, or surface rust?

INTERROGATORY NO. 6: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup had any repair work to the frame or had the frame been altered or replaced?

INTERROGATORY NO. 7: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any scratches or cracks in the windshield?

INTERROGATORY NO. 8: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any discoloration to the lights or lenses, however slight?

INTERROGATORY NO. 9: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any scratches to the wheels?

INTERROGATORY NO. 10: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any minimal or moderate wear to the carpet?

INTERROGATORY NO. 11: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any odor (e.g. smoke, mold, etc.)?

INTERROGATORY NO. 12: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any minor faults with the windows, locks, radio or NAV system?

INTERROGATORY NO. 13: Were repairs and maintenance done routinely to the 1998 Dodge Pickup and were records up to date? What was the mileage on the odometer?

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 2: Please provide a copy of any maintenance and repair records for the 1998 Dodge Pickup.

INTERROGATORY NO. 14: On the day of February 4, 2022, but prior to the accident, was there any wear and tear to the suspension or steering of the 1998 Dodge Pickup? If so, please briefly describe.

INTERROGATORY NO. 15: On the day of February 4, 2022, but prior to the accident, did the Air Conditioning and Heater work properly in the 1998 Dodge Pickup?

INTERROGATORY NO. 16: On the day of February 4, 2022, but prior to the accident, how much life was left on the brakes? (e.g. brand new, 75%, 50%, 25%, needed to be replaced?)

INTERROGATORY NO. 17: What was the date of the last time the brakes had been replaced on the 1998 Dodge Pickup by you or the previous owner?

INTERROGATORY NO. 18: On the day of February 4, 2022, but prior to the accident, how much tread was left on the tires? (e.g. brand new, 75%, 50%, 25%, needed to be replaced?)

INTERROGATORY NO. 19: What was the date of the last time the tires had been replaced on the 1998 Dodge Pickup by you or the previous owner?

INTERROGATORY NO. 20: What is the current odometer reading and what was the mileage on February 4, 2022?

INTERROGATORY NO. 21: Did you or any other person take photographs of the 1998 Dodge Pickup involved in the accident of February 4, 2022, that were taken any time between January 4, 2022 and February 4, 2022? (the month before the accident)

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3: Please attach copies of any photos you referred to in your answer to the preceding Interrogatory.

INTERROGATORY NO. 22: Did you or any other person take photographs of the 1998 Dodge Pickup or the scene of the accident on or after February 4, 2022? If yes, please state:

- a) The date the photo was taken
- b) Person taking the photo
- c) What is depicted in the photo
- d) In whose possession those photos are at this time

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 4: If the answer to the preceding Interrogatory was yes, please attach copies of any photos referred to in your answer.

INTERROGATORY NO. 23: Was the 1998 Dodge Pickup placed in storage? If yes, please state:

- a) Beginning and ending dates the vehicle was in storage
- b) The reason for storing the vehicle
- c) The cost to date of the storage

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 5: Please provide a copy of all bills, itemized statements, estimates or any other document related to the storage of the 1998 Dodge Pickup.

INTERROGATORY NO. 24: Please list each lay witness you intend to call at the trial in this matter, listing for each:

- a) Name, address, telephone number of the witness
- b) Gist of the expected testimony of the witness

INTERROGATORY NO. 25: Please list each expert witness you intend to call at the trial in this matter, listing for each:

- a) Name, company, address, telephone number of the witness
- b) Field of expertise
- c) Number of trials in which the expert has testified
- d) Gist of the expected testimony of the witness
- e) List of any materials, books, literature, maps, diagrams, or any other tangible item the expert intends to rely upon in forming and giving his expert opinion.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 6: Please attach a copy of the C.V. or Résumé of each expert witness you referred to in your answer to the preceding Interrogatory.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 7: Please attach a copy of each and every tangible item listed in your answer to Part e of the preceding Interrogatory.

INTERROGATORY NO. 26: Please list any item of evidence you intend to offer into evidence at the trial in this matter.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 8: Please attach a copy of each and every item of evidence you referred to in your answer to the preceding Interrogatory.

INTERROGATORY NO. 27: Will you consider these Interrogatories ongoing and supplement any answers within 10 days of receipt as any responsive information becomes available to you?

**RESPECTFULLY SUBMITTED,
ARKANSAS DEPARTMENT OF TRANSPORTATION**

Trella A. Sparks

By: _____
Trella A. Sparks, Staff Attorney
A.B.A. No. 2004-105
P.O. Box 2261
Little Rock, AR 72203-2261
Phone: (501) 569-2157
Fax: (501) 569-2164
Email: trella.sparks@ardot.gov

CERTIFICATE OF SERVICE

I, Trella A. Sparks, hereby certify that a true and correct copy of the foregoing Interrogatories and Requests for Production of Documents have been placed in the U. S. Mail on this 16th day of March 16, 2022 with the correct amount of postage to ensure delivery to the following:

Buddy Patterson

Trella A. Sparks

Trella A. Sparks



ARKANSAS DEPARTMENT OF TRANSPORTATION

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

LEGAL DIVISION | Trella A. Sparks, Staff Attorney | Trella.Sparks@ardot.gov

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2157 | Fax: 501.569.2164

March 16, 2022

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

(via email)

Re: *Buddy Patterson v. Arkansas Department of Transportation*
Claim No. 221005

Dear Ms. Irby:

Please find attached Respondent's Answer to the above-referenced claim. Please confirm receipt at your earliest convenience, and set this matter for hearing to determine damages.

Review of this claim indicates the vehicle may currently still be in storage.

CLAIMANT SHOULD NOTE: the claims process can take months, and any storage expenses will not be covered. Claimant has a duty to mitigate his damages; therefore, Claimant is advised to make arrangements to remove the vehicle from storage as soon as practicable.

Also enclosed are Respondent's Interrogatories for Claimant to answer. These should be answered on a separate sheet of paper and returned to ARDOT Legal Division at P.O. Box 2261, Little Rock, AR 72203 *within 30 days*.

Very truly yours,

Trella A. Sparks

Trella A. Sparks
 Staff Attorney for
 Arkansas Department of Transportation
 501-569-2022

TAS/sdb

cc:

Buddy Patterson

[REDACTED]

[REDACTED]

From: [Tye Boudra-Bland](#)
To: [ASCC Pleadings](#)
Cc: Trella.Sparks@ardot.gov; [Chris Heil](#)
Subject: Amended Claim; Claim No.: 221005; Patterson v. AR Department of Transportation
Date: Tuesday, May 3, 2022 1:45:20 PM
Attachments: [Amended Claim - Patterson v AR Dept of Transportation.pdf](#)

Counsel,

Please find the attached Amended Claim.

--

Best regards,



Tye Boudra-Bland

Legal Assistant | Taylor King Law

820 W 3rd Street, Little Rock, AR 72201

P: (870) 224-0817 **F:** (870) 568-2077

tyeboudra-bland@taylorkinglaw.com | www.taylorkinglaw.com

Confidentiality note:

The information in this email is legally privileged and confidential information intended only for the use of the addressee(s). If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this email is strictly prohibited. If you receive this transmission in error, please immediately notify us and delete this message. Taylor King Law accepts no liability for damage caused by any virus transmitted by emails.

ARKANSAS STATE CLAIMS COMMISSION
 AMENDED-Claim Form-

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

1. Claimant's Legal Counsel - (If representing yourself (Pro Se) please check this box and proceed to section 2)

Heil	Christopher	chrisheil@taylorkinglaw.com		
(las name)	(first name)	(email)		
820 W. 3rd Street	Little Rock	AR	72201	501-400-0572
(address)	(city)	(state)	(zip)	(primary phone)
Arkansas Bar Number:	92128	<i>If not licensed to practice law in Arkansas, please contact the Claims Commission for more information.</i>		

2. Claimant

Mr. Patterson, Buddy				
(title/last name/first name or company)	(email)			
				
(address)	(city)	(state)	(zip)	(primary phone)

3. State Agency Involved: (must be an Arkansas state agency. The Arkansas Claims Commission has no jurisdiction over county, city, or other municipalities)

Arkansas Department of Transportation
(state agency involved)

4. Incident Date

Feb. 4, 2022.

5. Claim Type Negligence. Property damage and personal injury.

Please provide a brief explanation of your claim. If additional space is required please attach additional statements to this form.

See attached original claim.

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

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

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

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

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

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

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

<u>2003 Sterling Plow</u>	<u>9177</u>	<u>Lance Kerwin Gross</u>
(type of state vehicle involved)	(license number)	(driver)

7. Check here if this claim involves personal injury.

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

I do not have health insurance

8. Amount Sought: \$40,000

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 or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.



 Claimant *Atty for Claimant*

ACKNOWLEDGEMENT

State of Arkansas
County of Pulaski

On this the 3rd day of May, 2022 before me, the undersigned notary, personally appeared Chris Heil 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: 9-15-26



ARKANSAS STATE CLAIMS COMMISSION
-Claim Form-

Amedd add injury

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

1. Claimant's Legal Counsel - (If representing yourself (Pro Se) please check this box and proceed to section 2)

(last name) (first name) (email)

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

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

2. Claimant(s)

Mr. Patterson Buddy

(title/last name/first name or company) (email)

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

3. State Agency Involved: (must be an Arkansas state agency. The Arkansas Claims Commission has no jurisdiction over county, city, or other municipalities)

Arkansas Department of Transportation

(state agency involved)

4. Incident Date

5. Claim Type

Negligence--Property Damage

Please provide a brief explanation of your claim. If additional space is required please attach additional statements to this form.

ON 2/4/22 N Main St Melbourne (Hwy (9) a 2003 Sterling snowplow plate Number 9177 AR driven by Lance Gross [redacted] was plowing when his blade caught something and threw him into oncoming traffic. He hit head on with Buddy Patterson [redacted] buddy was driving a 1998 Dodge Ram 1500 Plate number [redacted] The Vehicle was towed to Triangle B Towing in Melbourne AR State Police report [redacted]

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

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

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

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

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

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

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

2003 Sterling plow truck 9177 Lance Kerwin Gross

(type of state vehicle involved) (license number) (driver)

7. Check here if this claim involves personal injury.

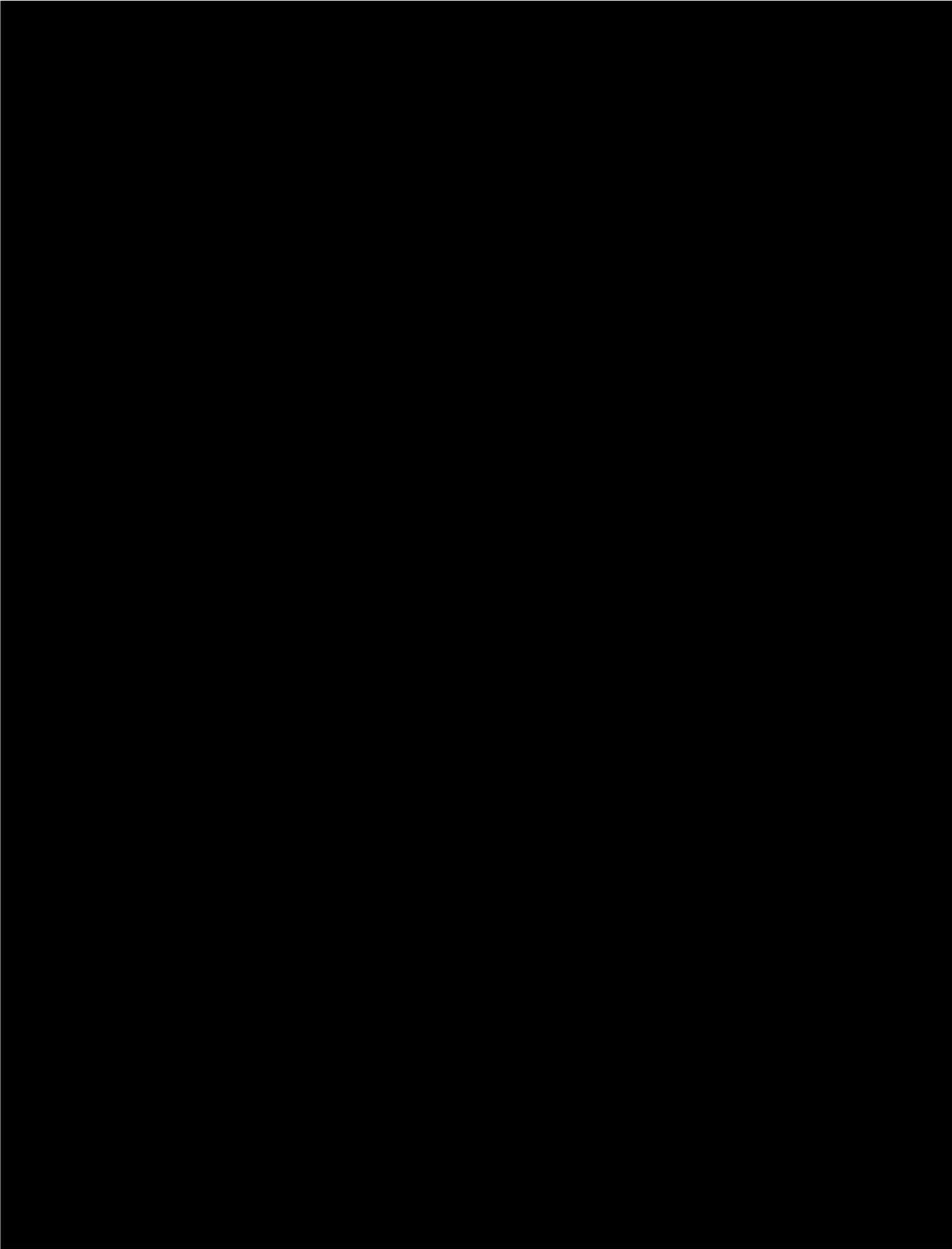
All personal injury claims require a copy of your medical insurance information in place at the time of the incident.

I do not have health insurance

8. Amount Sought: \$20,000.00

(Signature)

(Date)





TRIANGLE B TOWING, INC.
 DBA
SKEETER BEENE'S
 FAMILY, INC.
 CAR CARE CENTER, TOWING, & SALVAGE
 PO Box 505 • 260 N. Main • Melbourne, AR 72556
870-368-4350

24 HOUR
ROAD
SERVICE

09810

TIME OF CALL A.M. P.M.	DATE IN 2-4-22	DATE OUT	TIME START A.M. P.M.	TIME FINISH A.M. P.M.	REQUESTED BY SP LP OR	PO/CASE #	OFFICER NAME I24
NAME Buddy Patterson					PHONE		
ADDRESS							
CITY							
YEAR	MAKE/MODEL Bodge	COLOR	ODOMETER	DRIVER			
MARKER PLATE #	STATE	VIN #	REGISTERED OWNER				
LOCATION OF VEHICLE Hwy 9 North							
TOWED TO Hwy 9 North							

REASON FOR TOW

- ACCIDENT
- ABANDONED
- NO START
- FLAT TIRE
- LOCK OUT
- TOW ZONE
- STOLEN
- SNOW REMOVAL
- BREAKDOWN
- UNREGIST
- OUT OF G/
- FIRE LANE
- NO TRESP
- ARREST
- IMPOUNDE

VEHICLE STORAGE TIME

FROM TO DAYS @ \$

AS of
2-28-22
\$1740.73

	TOTAL	4	
ASIC RGE	150	00	
AGE	12	00	
TRIP AGE			
ERY	350	00	
an Up/ Parts	150	00	
in Fee Letter	60	00	
AGE			
TAL			
TAX			
TAL			

METHOD OF PAYMENT

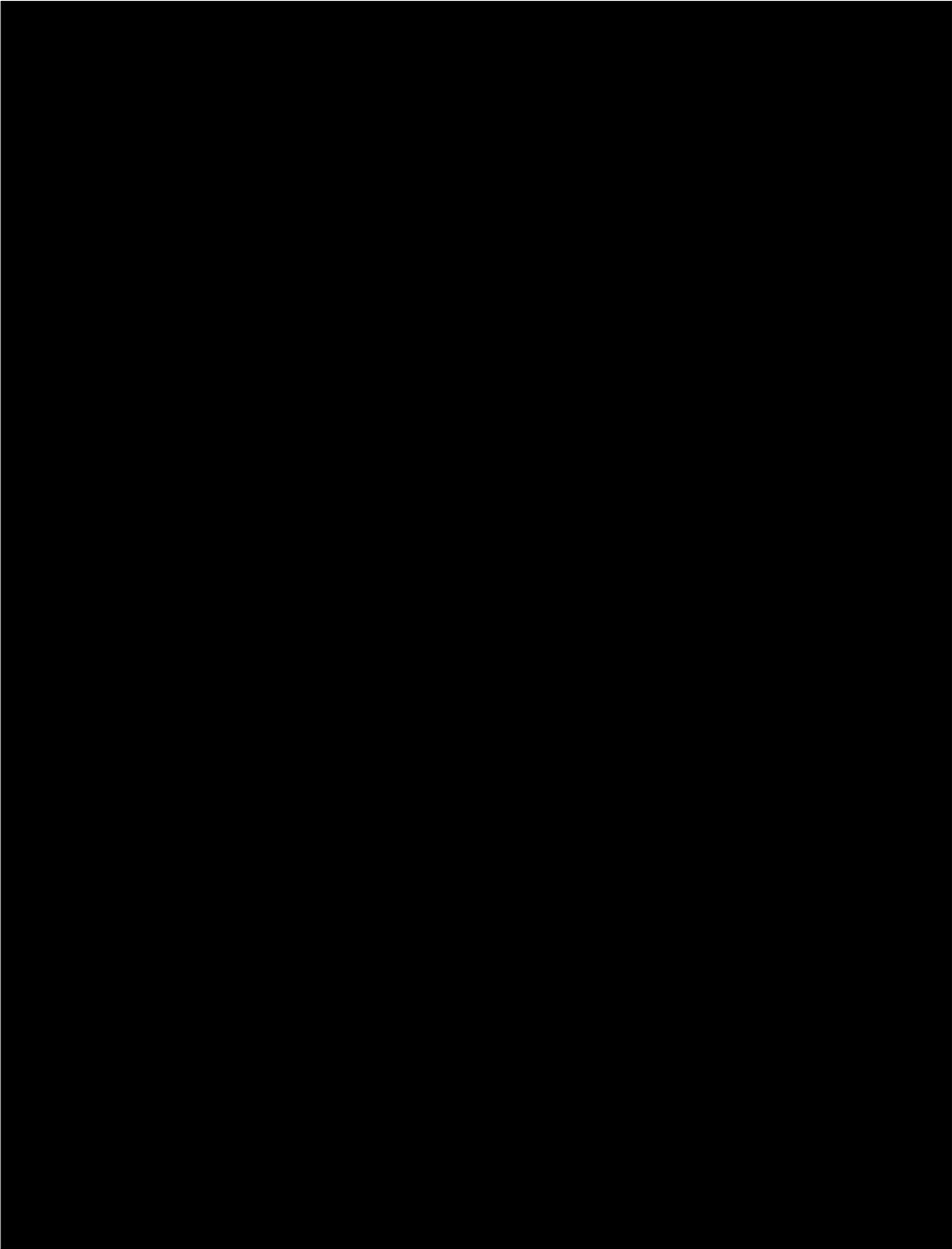
- CASH
- CHARGE
- CHECK #
- VISA
- AMERICAN EXPRESS

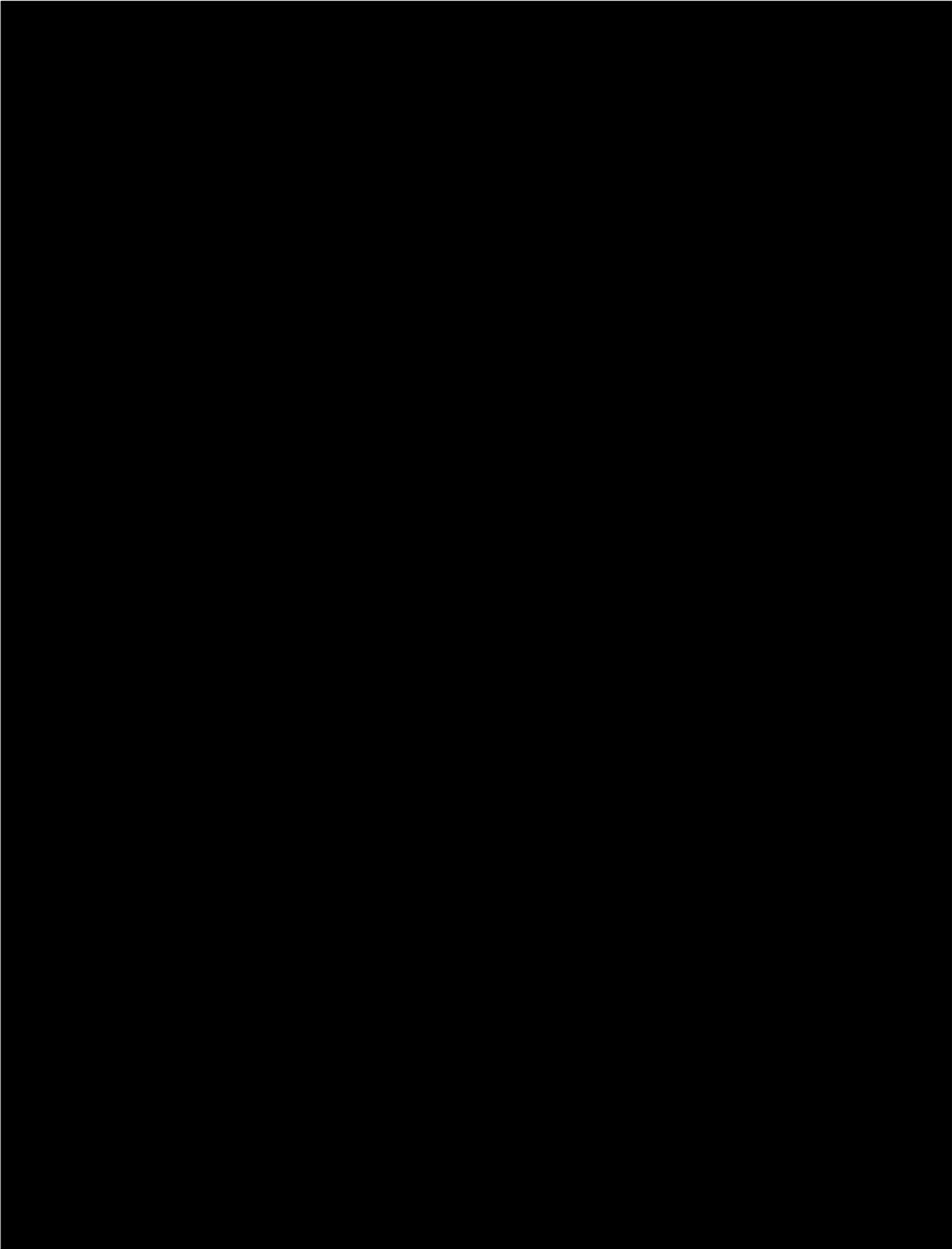
EXP. DATE

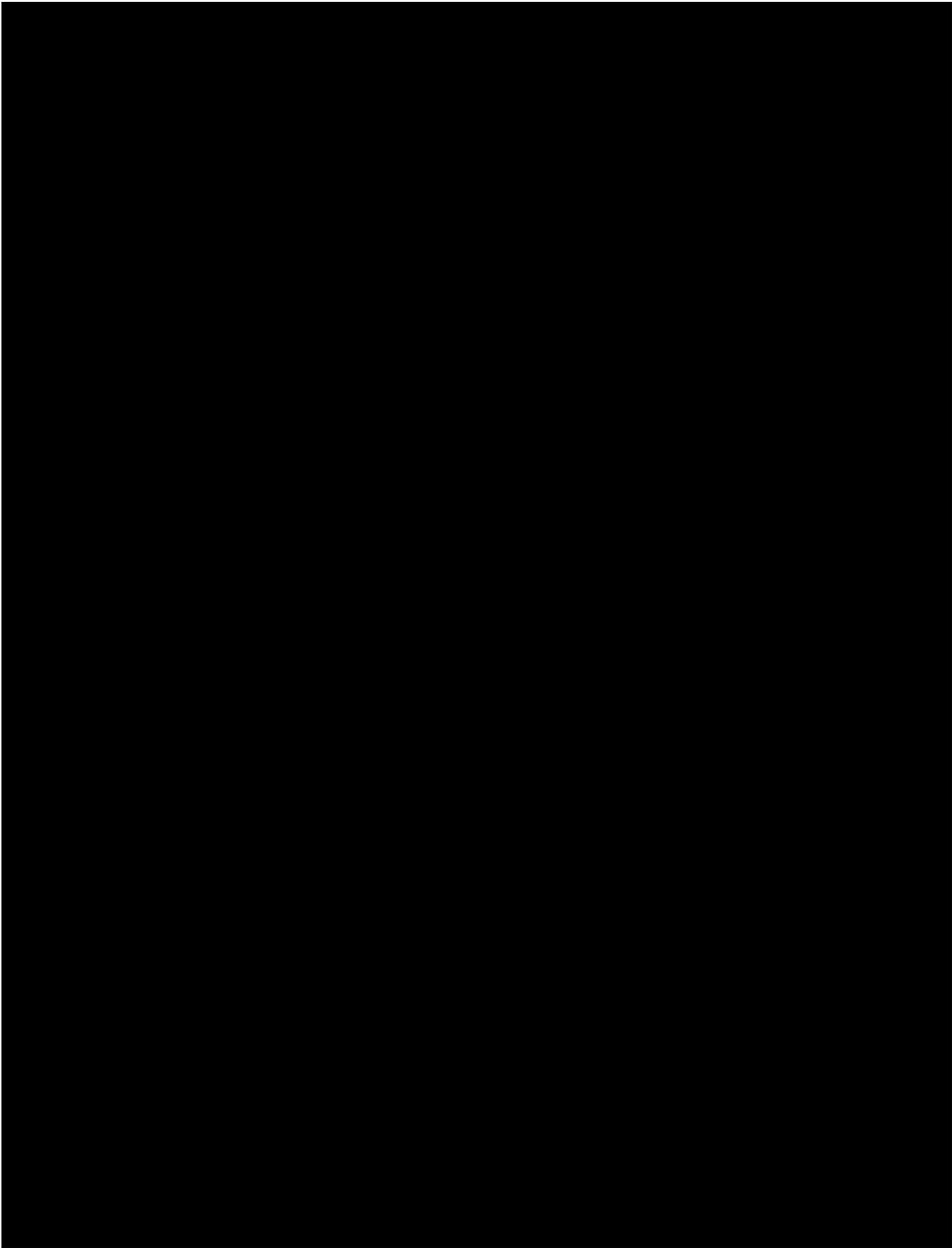
DRIVER SIGNATURE

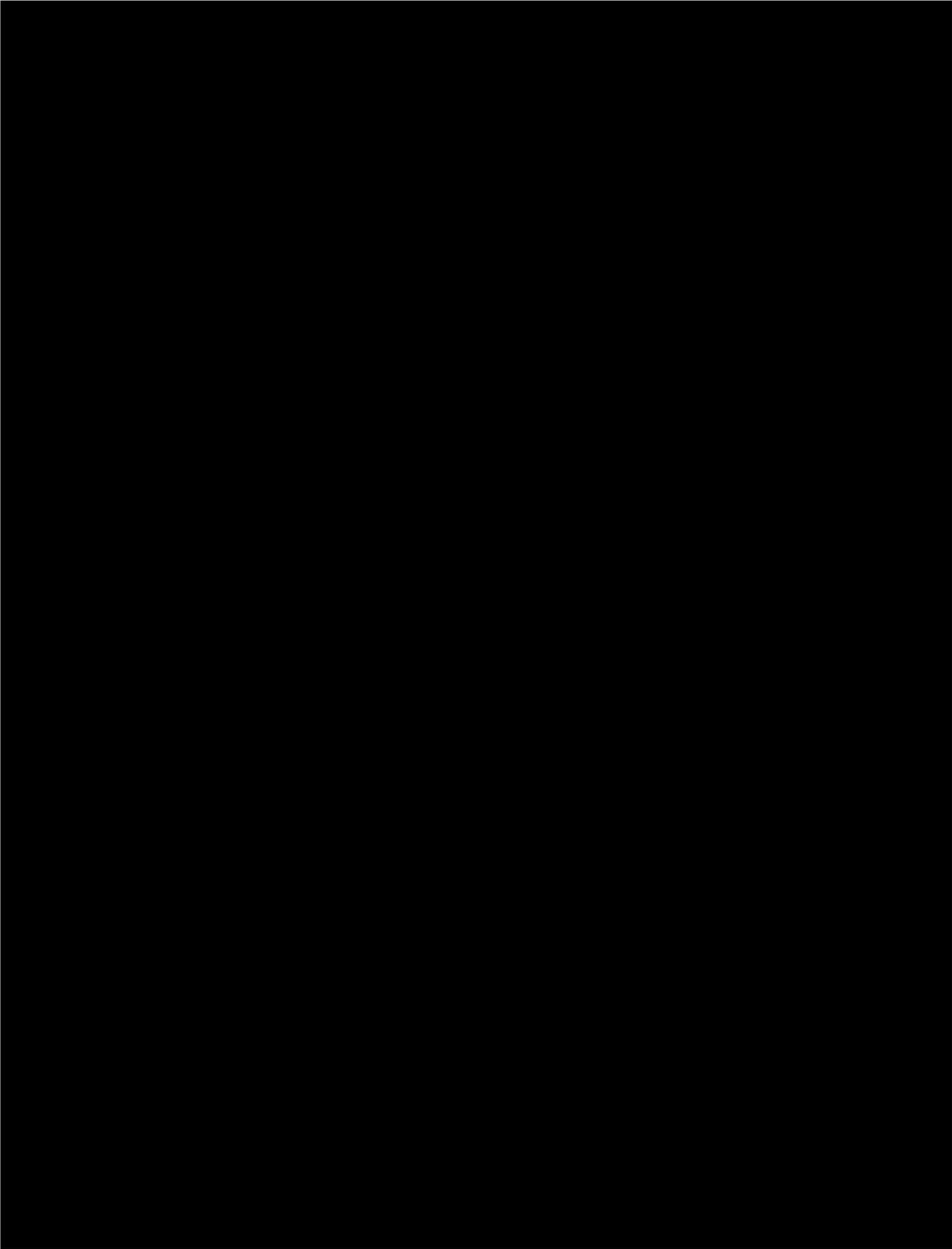
AUTHORIZED SIGNATURE

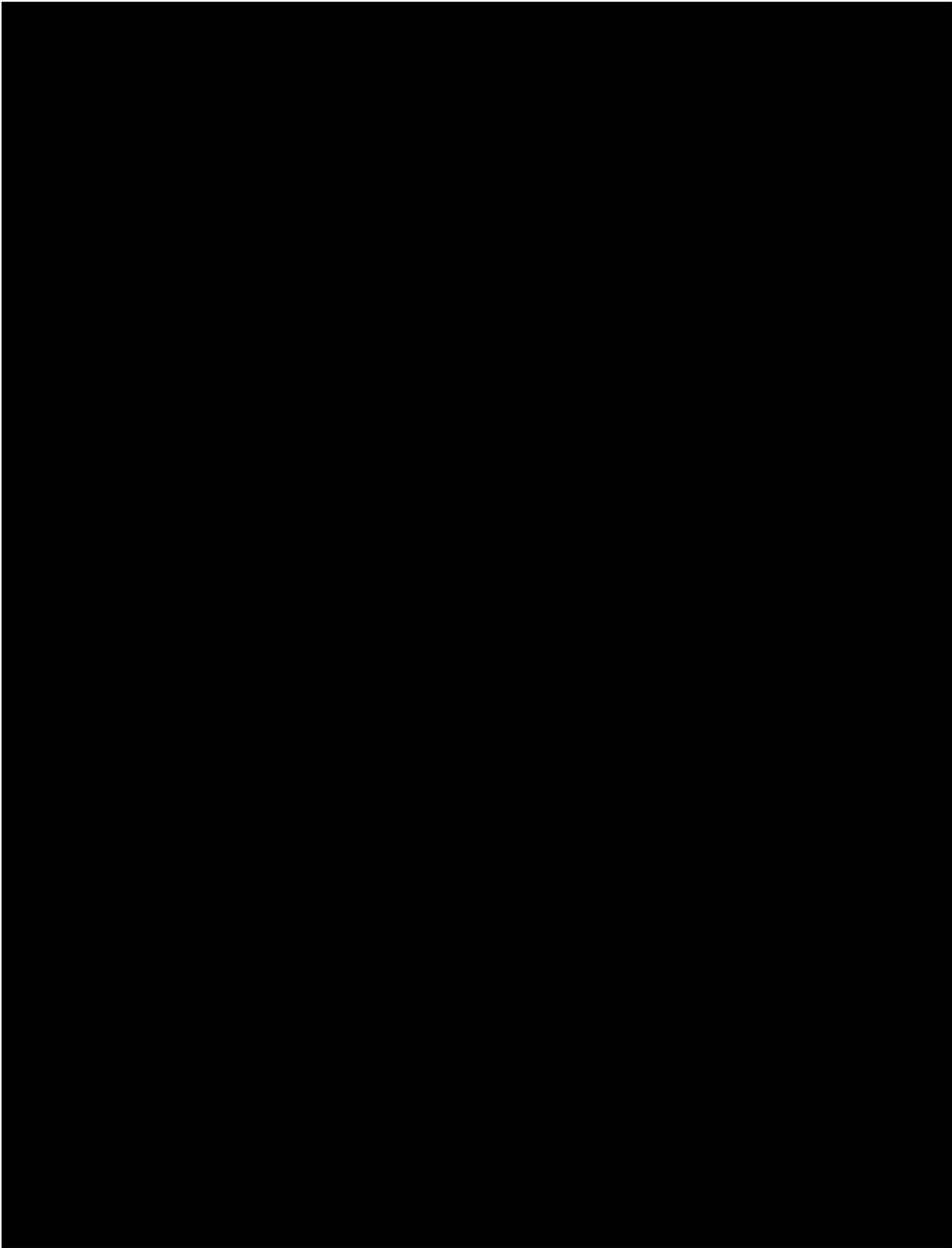
Thank You

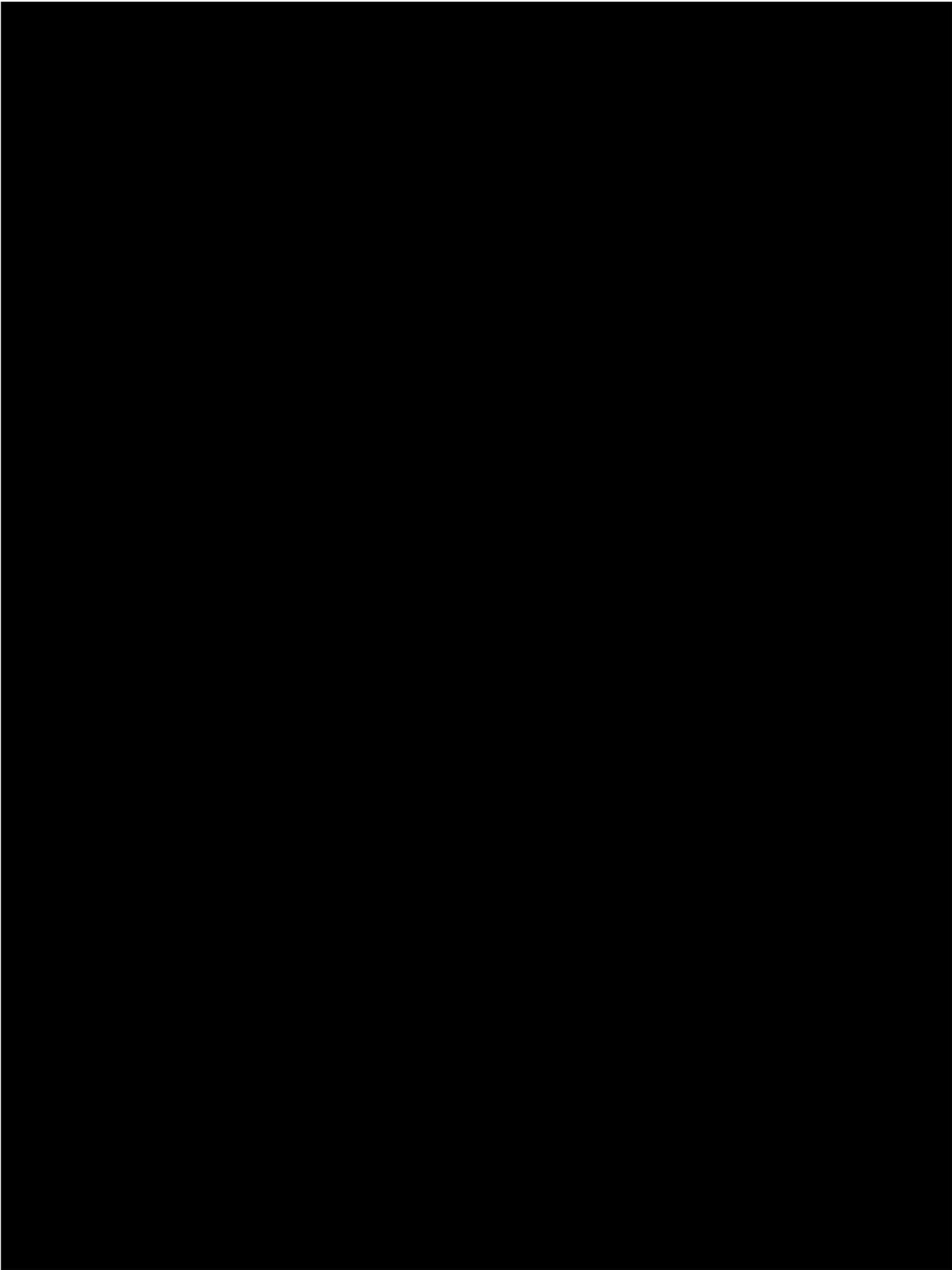


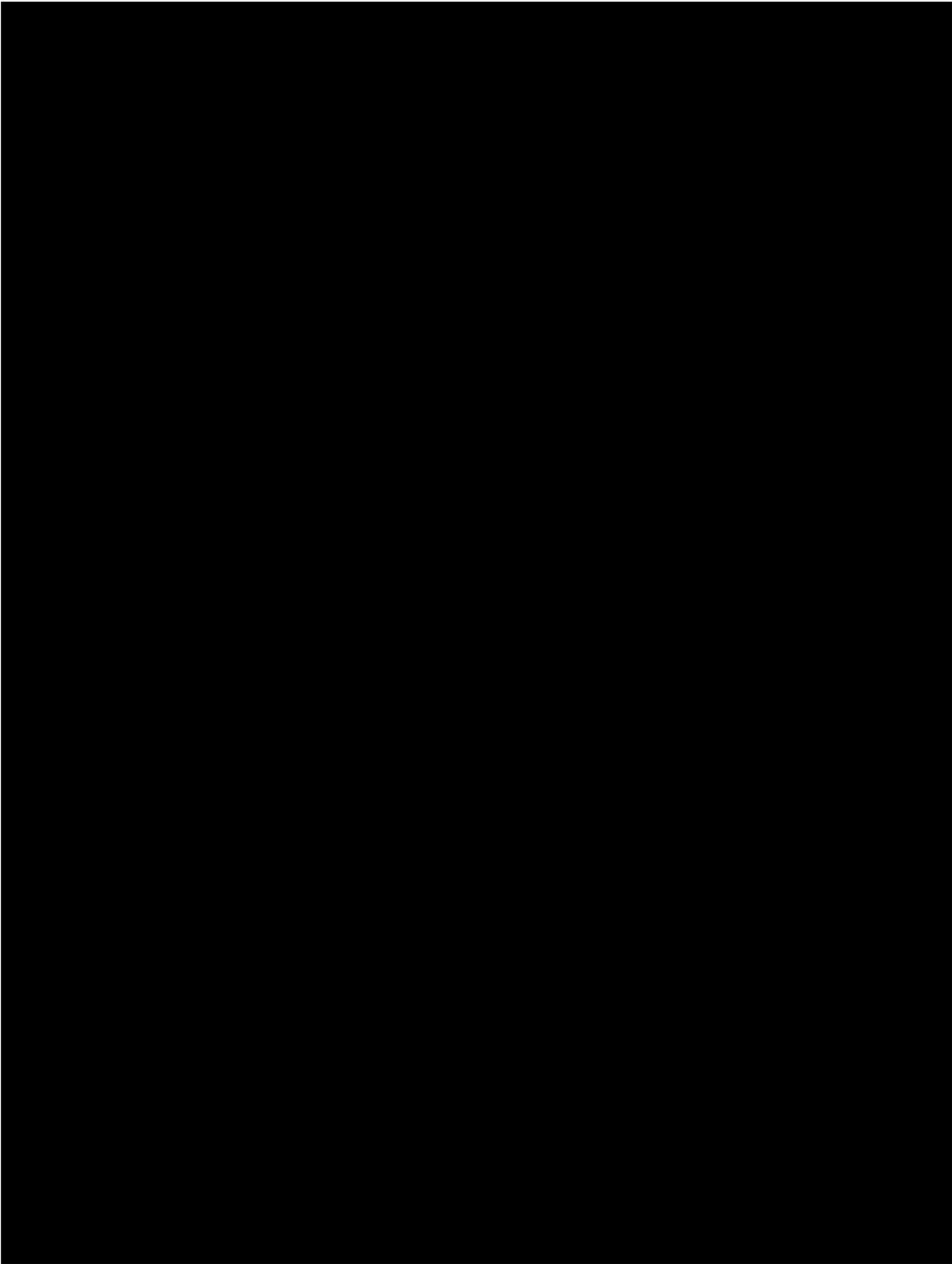


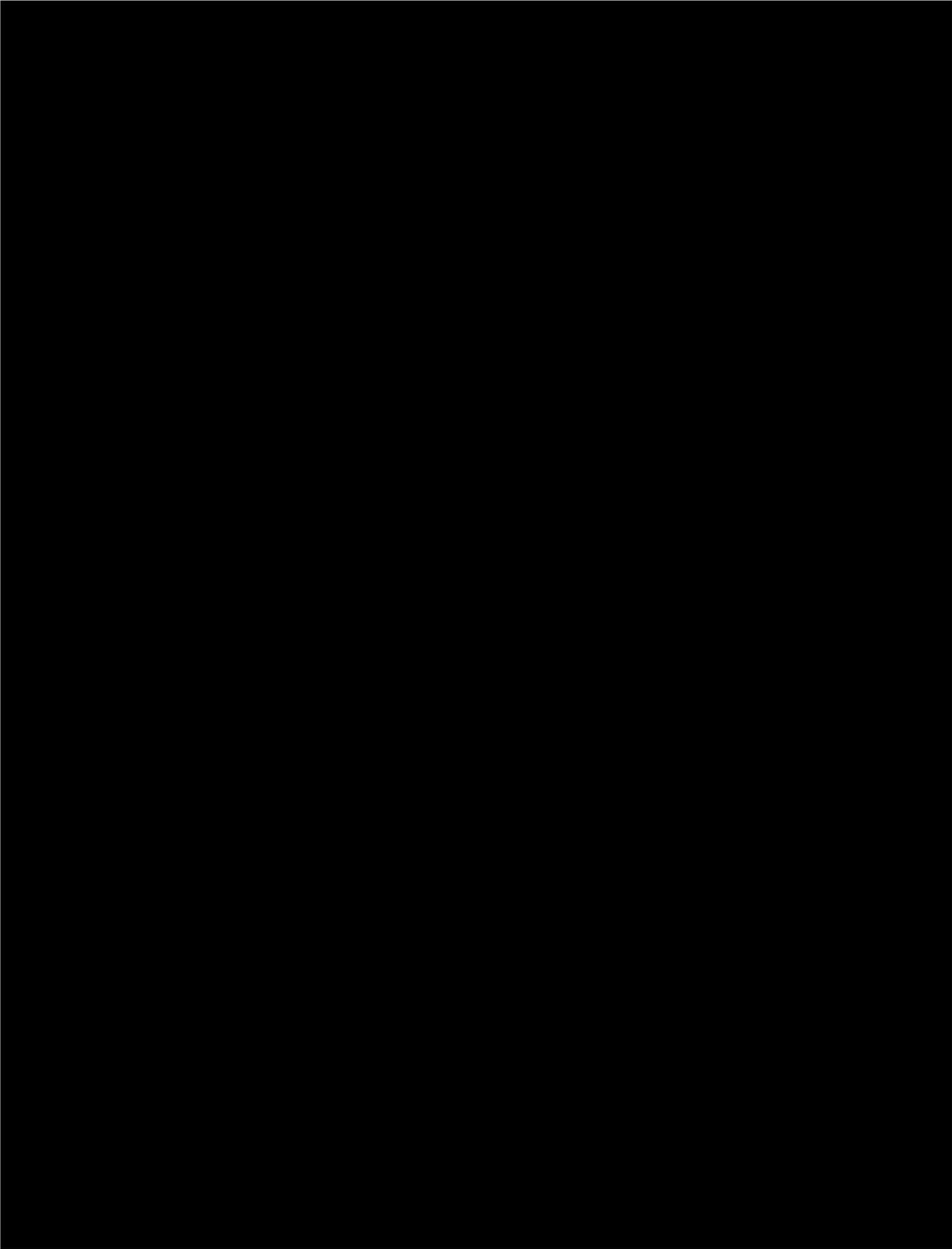


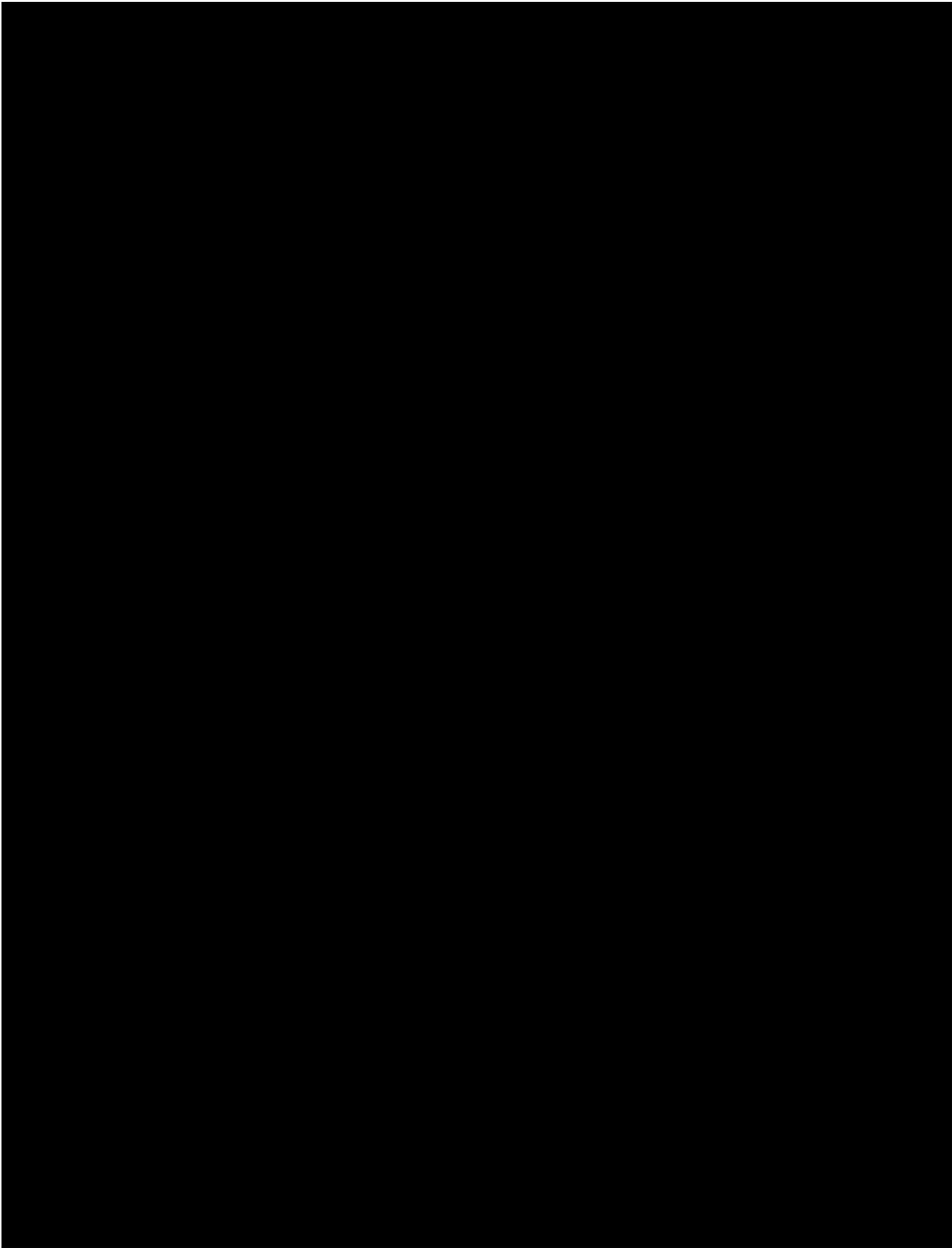


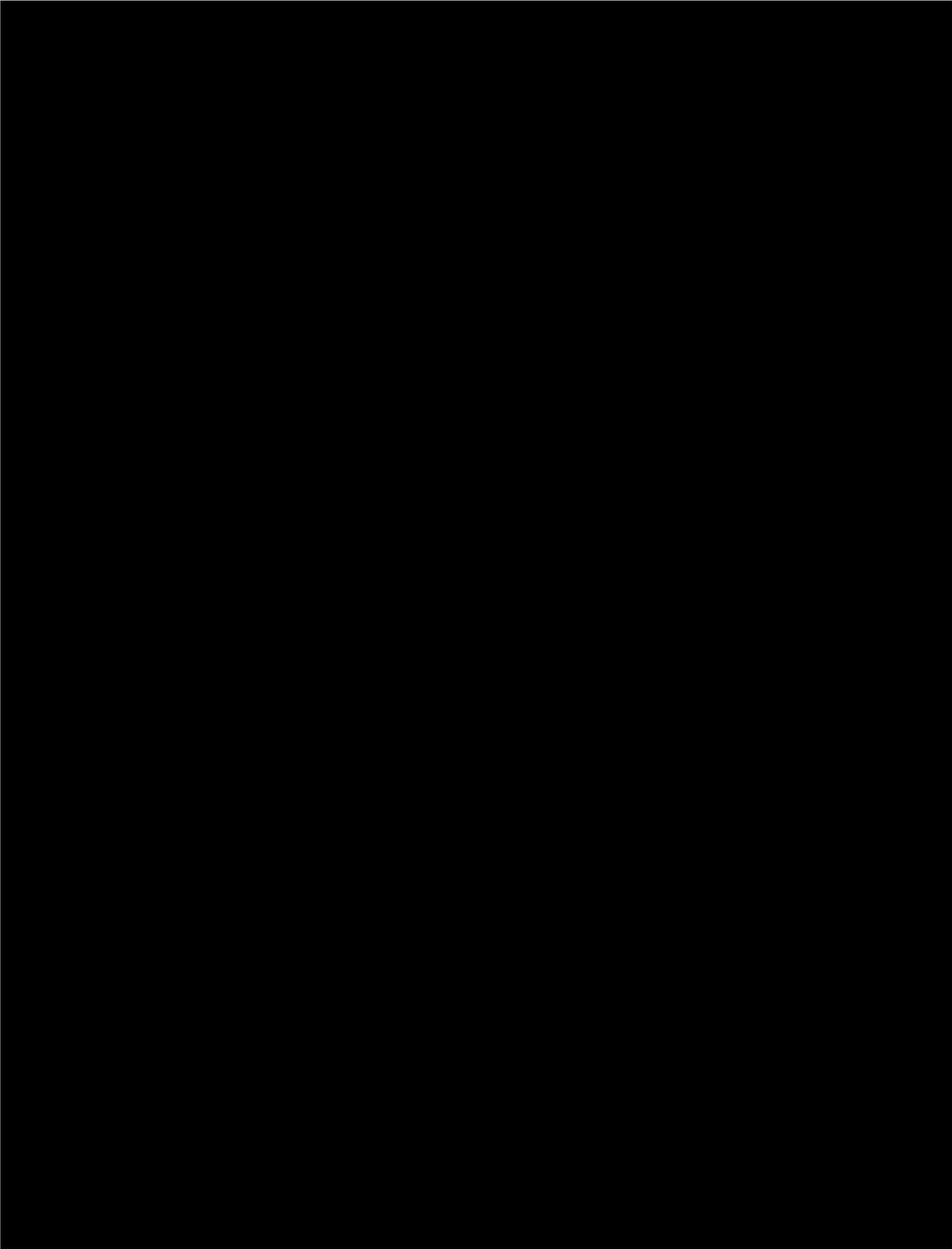


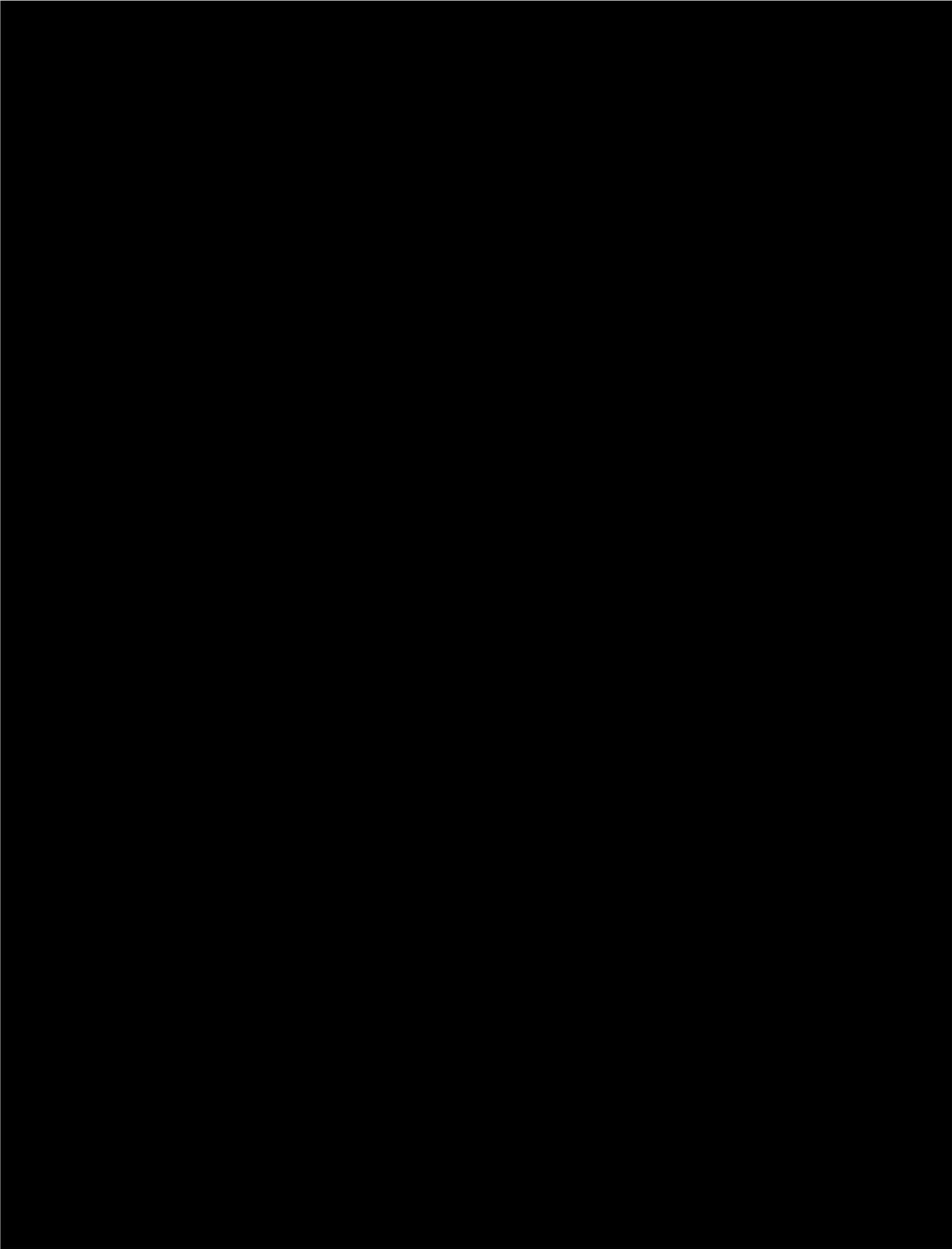


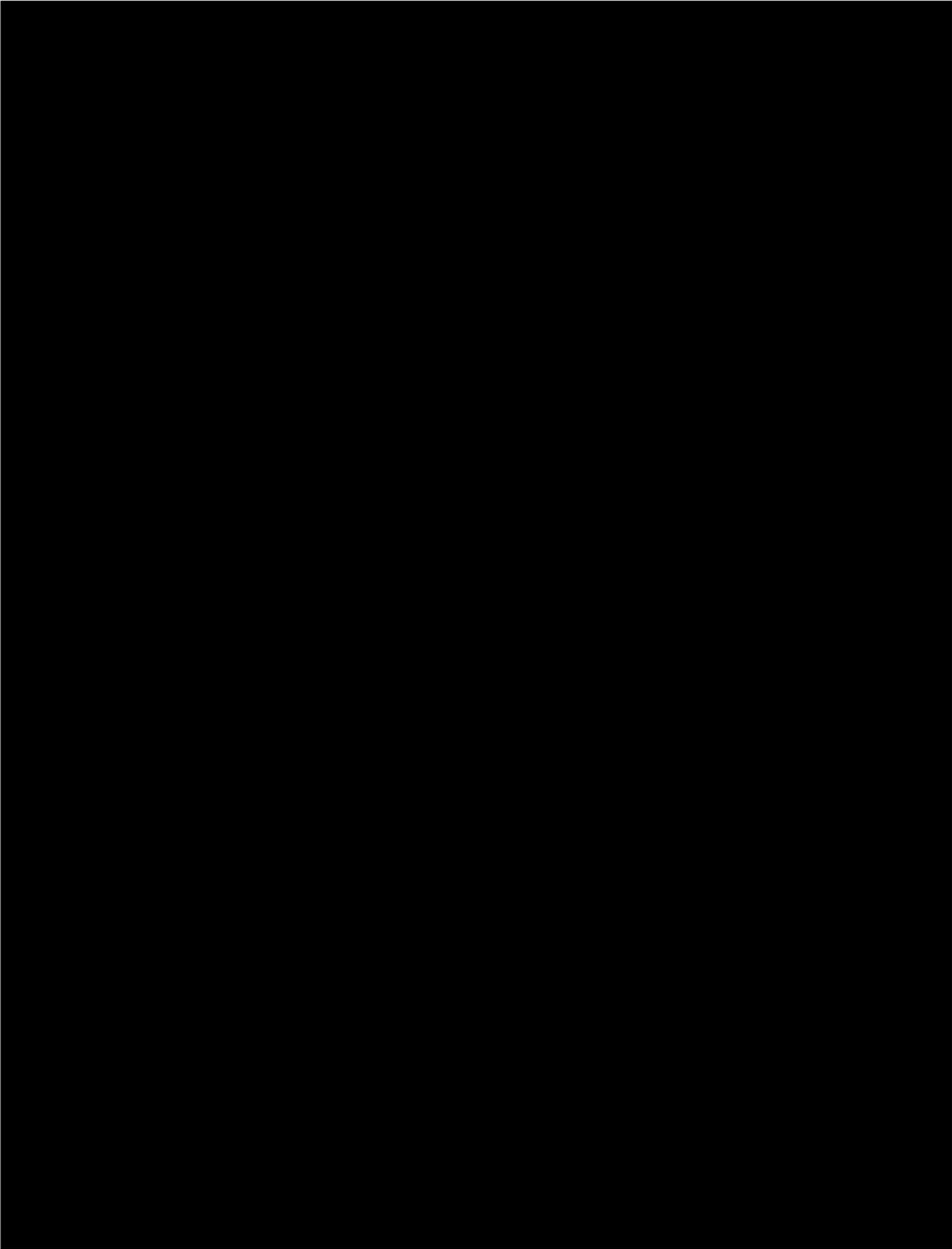


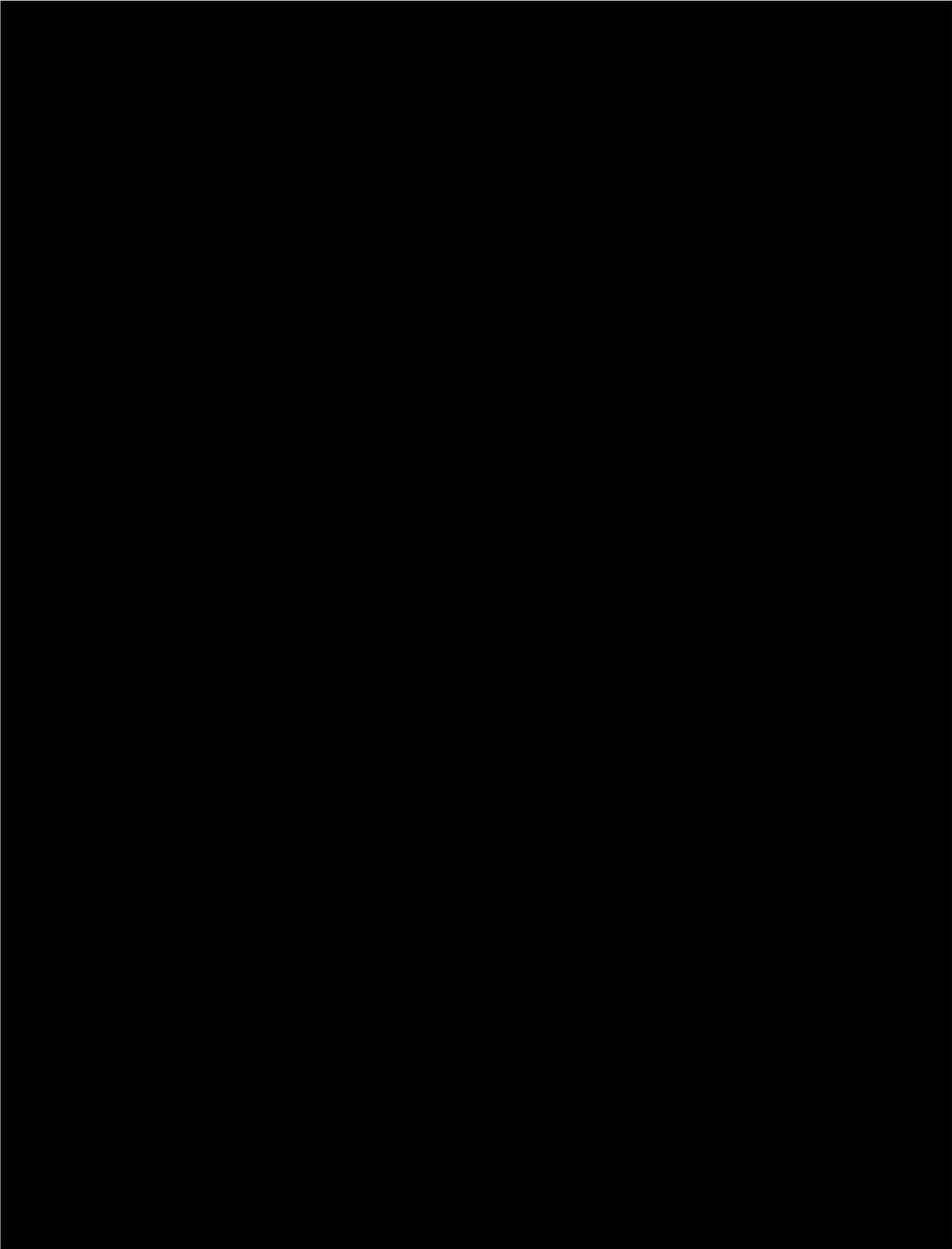


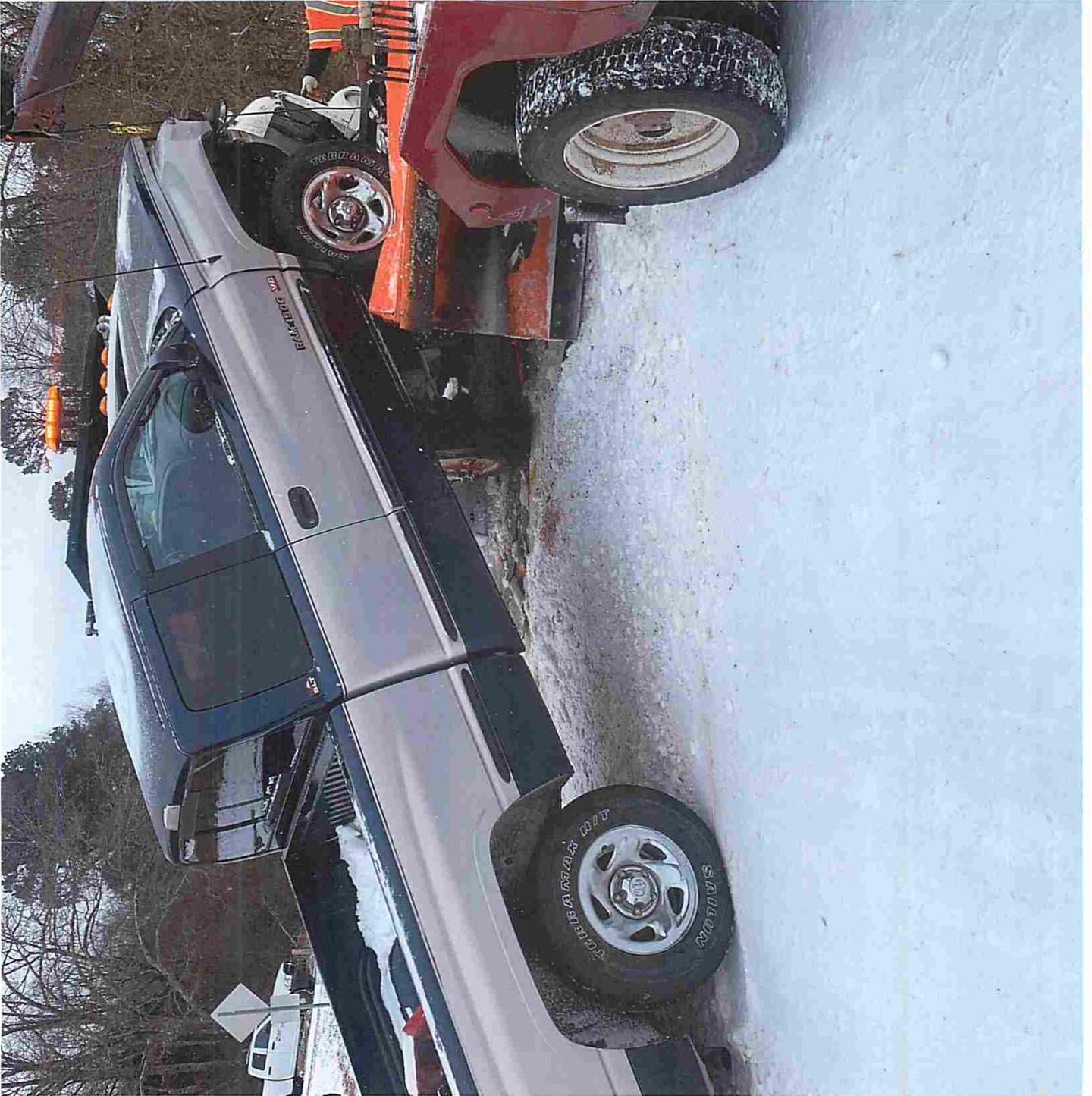




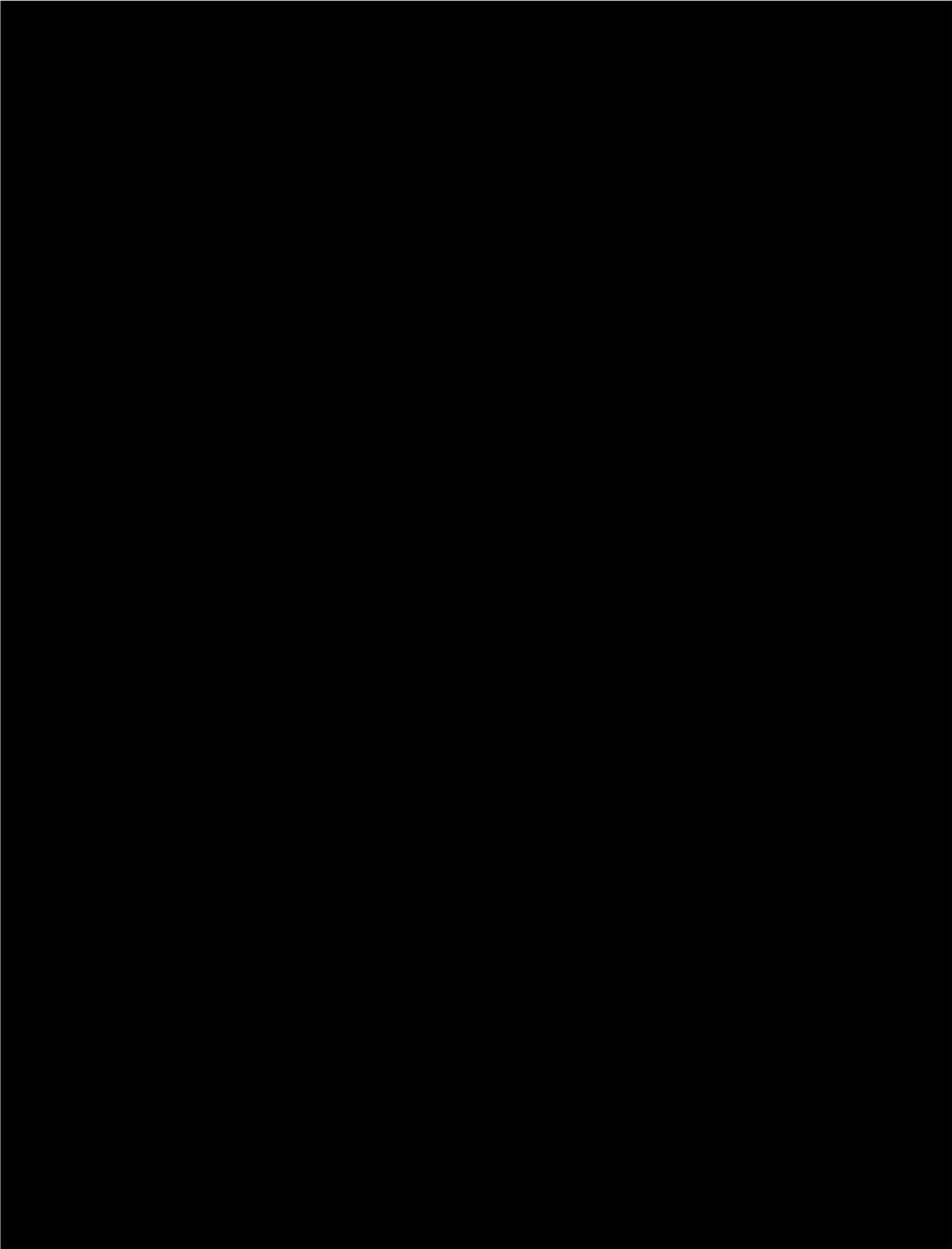












From: [Tye Boudra-Bland](#)
To: [ASCC Pleadings](#); Trella.Sparks@ardot.gov
Cc: [Chris Heil](#)
Subject: Claim No.: 221005; Patterson v. AR Department of Transportation
Date: Tuesday, May 17, 2022 11:38:52 AM
Attachments: [Patterson, Buddy - Responses to INTRPDs - Patterson v AR DOT.pdf](#)
[Patterson, Buddy - Attachments to INTRPDs - Patterson v AR DOT.pdf](#)

Counsel,

Please find Claimant's Responses to Interrogatories and Requests for Production with accompanying attachments.

--

Best regards,



Tye Boudra-Bland

Legal Assistant | Taylor King Law

820 W 3rd Street, Little Rock, AR 72201

P: (870) 224-0817 **F:** (870) 568-2077

tyeboudra-bland@taylorkinglaw.com | www.taylorkinglaw.com

Confidentiality note:

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BEFORE THE ARKANSAS STATE CLAIMS COMISSION

BUDDY PATTERSON

CLAIMANT

VS.

CLAIM NO. 221005

ARKANSAS DEPARTMENT OF TRANSPORTATION RESPONDENT
(f/k/a ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT)

RESPONDENT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO THE
CLAIMANT

COMES NOW the claimant, Buddy Patterson, by and through his attorneys, Taylor King & Associates, P.A., and for his responses to Interrogatories and Requests for Production of Documents propounded to him by respondent, Arkansas Department of Transportation, states as follows:

INTERROGATORY NO. 1: Please list the following:

- a) your date of birth,
- b) your Arkansas driver's license number
- c) any other state driver's license number you have possessed in the past 8 years.

RESPONSE: [REDACTED]

INTERROGATORY NO. 2: Please list the following with regard to your purchase of the 1998 Dodge Ram Pickup:

- a) Date of purchase
- b) From whom purchased
- c) Condition of vehicle when purchased (include color of vehicle and mileage at time of purchase)
- d) Type of title (e.g. clean, salvage, etc.)
- e) Number of previous owners
- f) Whether any of the previous owners were smokers
- g) Were you provided with a copy of the CarFax report? If yes, please attach a copy to your answers.
- h) Your method of purchase (e.g. cash, finance, etc.)
- i) Purchase price
- j) Does anyone hold a lien on the vehicle? (e.g. auto finance company, or any person) If so, list name, address, telephone number.

RESPONSE:

- a) June 2017;
- b) Pam Smith;
- c) Very clean;
- d) Clean;
- e) One;
- f) No;
- g) Check;
- h) \$3500;
- i) No.

INTERROGATORY NO. 3: Did you have automobile insurance for any vehicle or on any policy at the time of the accident on or about February 4, 2022? If yes, please state:

- a) Name, company, address, and phone number where such policy is held
- b) Policy holder's name

RESPONSE:

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1: Please attach a copy of the Declaration Page of any insurance policy, and the complete insurance policy you referred to in your answer to the preceding Interrogatory.

RESPONSE: See attached.

INTERROGATORY NO. 4: Was there any adult passengers/drivers present in the 1998 Dodge Pickup at the time of the accident on or about February 4, 2022? If yes, please state:

- a) Name, address, and telephone number of the driver/passenger
- b) Name, company, address, and telephone number of the person to whom the statement was made
- c) Did they give any statement to police, ARDOT, or any insurance company?
- d) Gist of the statement

RESPONSE: No.

INTERROGATORY NO. 5: In order to properly determine the fair market value of the vehicle pursuant to Kelly Blue Book (kbb.com), please state whether on the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any minor or moderate scratches to the paint, dents, or surface rust?

RESPONSE: No.

INTERROGATORY NO. 6: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup had any repair work to the frame or had the frame been altered or replaced?

RESPONSE: No.

INTERROGATORY NO. 7: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any scratches or cracks in the windshield?

RESPONSE: No.

INTERROGATORY NO. 8: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any discoloration to the lights or lenses, however slight?

RESPONSE: No.

INTERROGATORY NO. 9: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any scratches to the wheels?

RESPONSE: No.

INTERROGATORY NO. 10: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any minimal or moderate wear to the carpet?

RESPONSE: No.

INTERROGATORY NO. 11: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any odor (e.g. smoke, mold, etc.)?

RESPONSE: No.

INTERROGATORY NO. 12: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any minor faults with the windows, locks, radio or NAV system?

RESPONSE: No.

INTERROGATORY NO. 13: Were repairs and maintenance done routinely to the 1998 Dodge Pickup and were records up to date? What was the mileage on the odometer?

RESPONSE: Maintenance was done routinely, Claimant is not in possession of records; 74689.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3: Please provide a copy of any maintenance and repair records for the 1998 Dodge Pickup.

RESPONSE: Claimant is not in possession of records.

INTERROGATORY NO. 14: On the day of February 4, 2022, but prior to the accident, was there any wear and tear to the suspension or steering of the 1998 Dodge Pickup? If so, please briefly describe.

RESPONSE: No.

INTERROGATORY NO. 15: On the day of February 4, 2022, but prior to the accident, did the Air Conditioning and Heater work properly in the 1998 Dodge Pickup?

RESPONSE: Yes.

INTERROGATORY NO. 16: On the day of February 4, 2022, but prior to the accident, how much life was left on the brakes? (e.g. brand new, 75%, 50%, 25%, needed to be replaced?)

RESPONSE: 75%.

INTERROGATORY NO. 17: What was the date of the last time the brakes had been replaced on the 1998 Dodge Pickup by you or the previous owner?

RESPONSE: Unknown.

INTERROGATORY NO. 18: On the day of February 4, 2022, but prior to the accident, how much tread was left on the tires? (e.g. brand new, 75%, 50%, 25%, needed to be replaced?)

RESPONSE: 75%.

INTERROGATORY NO. 19: What was the date of the last time the tires had been replaced on the 1998 Dodge Pickup by you or the previous owner?

RESPONSE: Unknown.

INTERROGATORY NO. 20: What is the current odometer reading and what was the mileage on February 4, 2022?

RESPONSE: 74689.

INTERROGATORY NO. 21: Did you or any other person take photographs of the 1998 Dodge Pickup involved in the accident of February 4, 2022, that were taken any time between January 4, 2022 and February 4, 2022? (the month before the accident)

RESPONSE: No.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 4: Please attach copies of any photos you referred to in your answer to the preceding Interrogatory.

RESPONSE: N/A.

INTERROGATORY NO. 22: Did you or any other person take photographs of the 1998 Dodge Pickup or the scene of the accident on or after February 4, 2022? If yes, please state:

- a) The date the photo was taken
- b) Person taking the photo

- c) What is depicted in the photo
- d) In whose possession those photos are at this time

RESPONSE: Yes; Buddy Patterson; Scene of accident and result of accident; Taylor King & Associates, P.A.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 5: If the answer to the preceding Interrogatory was yes, please attach copies of any photos referred to in your answer.

RESPONSE: Please see attached.

INTERROGATORY NO. 23: Was the 1998 Dodge Pickup placed in storage? If yes, please state:

- a) Beginning and ending dates the vehicle was in storage
- b) The reason for storing the vehicle
- c) The cost to date of the storage

RESPONSE:

- a) 02/04/2022 – 02/28/2022;
- b) Towed
- c) \$875.00

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 6: Please provide a copy of all bills, itemized statements, estimates or any other document related to the storage of the 1998 Dodge Pickup.

RESPONSE: See attached.

INTERROGATORY NO. 24: Please list each lay witness you intend to call at the trial in this matter, listing for each:

- a) Name, address, telephone number of the witness
- b) Gist of the expected testimony of the witness

RESPONSE: Witnesses have not been identified for trial purposes at this time. Subject to the foregoing, Claimant may call any of the medical providers who assessed or treated Claimant, as may be disclosed or identified from the medical records provided to the Respondent, including but not limited to, any such medical providers identified in response to any other discovery request to

Claimant. As discovery progresses, Claimant will supplement as necessary to comply with the Arkansas Rules of Civil Procedure.

INTERROGATORY NO. 25: Please list each expert witness you intend to call at the trial in this matter, listing for each:

- a) Name, company, address, telephone number of the witness
- b) Field of expertise
- c) Number of trials in which the expert has testified
- d) Gist of the expected testimony of the witness
- e) List of any materials, books, literature, maps, diagrams, or any other tangible item the expert intends to rely upon in forming and giving his expert opinion.

RESPONSE: Expert witnesses have not been identified for trial purposes at this time. Subject to the foregoing, Claimant may call any of the medical providers who assessed or treated Claimant, as may be disclosed or identified from the medical records provided to the Respondent, including but not limited to, any such medical providers identified in response to any other discovery request to Claimant. As discovery progresses, Claimant will supplement as necessary to comply with the Arkansas Rules of Civil Procedure.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 7: Please attach a copy of the C.V. or Résumé of each expert witness you referred to in your answer to the preceding Interrogatory.

RESPONSE: Please see Response to Interrogatory No. 25.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 8: Please attach a copy of each and every tangible item listed in your answer to Part e of the preceding Interrogatory.

RESPONSE: Please see Response to Interrogatory No. 25.

INTERROGATORY NO. 26: Please list any item of evidence you intend to offer into evidence at the trial in this matter.

RESPONSE: Claimant has not determined what exhibits he will introduce into evidence at trial of this matter at this early point in discovery. Subject to the foregoing, please see attached medical

bills, medical records, and photographs of Claimant. Claimant will supplement as necessary to comply with Arkansas Rules of Civil Procedure.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 9: Please attach a copy of each and every item of evidence you referred to in your answer to the preceding Interrogatory.

RESPONSE: Please see response to Interrogatory No. 26.

INTERROGATORY NO. 27: Will you consider these Interrogatories ongoing and supplement any answers within 10 days of receipt as any responsive information becomes available to you?

RESPONSE: Yes.

Respectfully submitted,

Taylor King & Associates, P.A.
820 W 3rd St.
Little Rock, AR 72201
(501) 712-2554
chrisheil@taylorkinglaw.com

By:



Christopher Heil, Bar No.: 92128

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for all parties in the foregoing matter with a copy of this pleading by email, facsimile, hand-delivery, the Court's electronic notification system or depositing in the United States mail a copy properly addressed with adequate postage thereon.

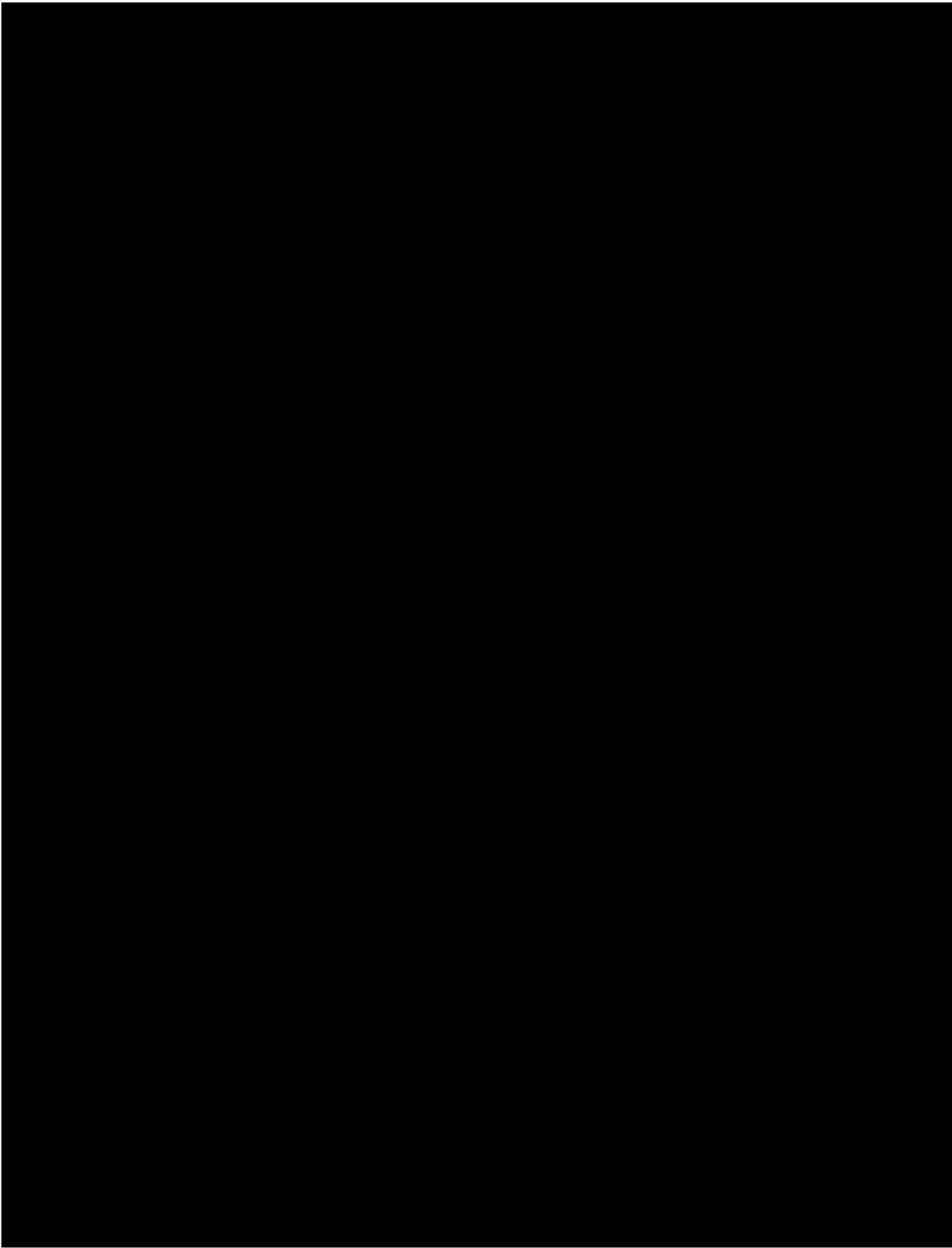
Dated this 17th day of May, 2022.

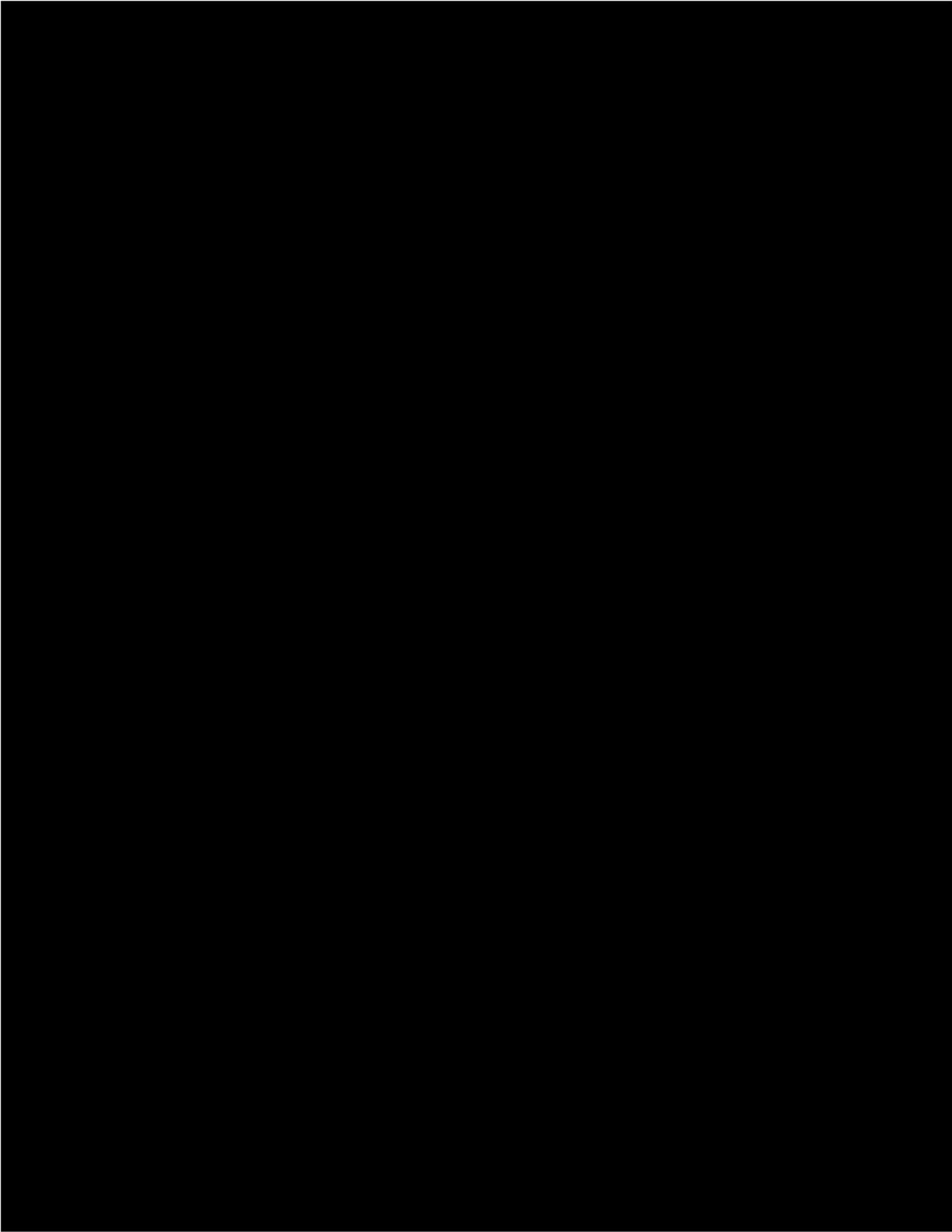
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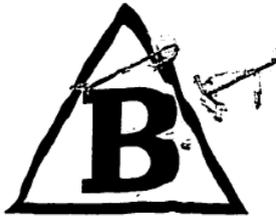
Trella A. Sparks, Staff Attorney
A.B.A. No. 2004-105
P.O. Box 2261
Little Rock, AR 72203-2261
Phone: (501) 569-2157
Fax: (501) 569-2164
Email: trella.sparks@ardot.gov



Christopher Heil







TRIANGLE B TOWING, INC.

DBA

**SKEETER BEENE'S
FAMILY, INC.**

CAR CARE CENTER, TOWING, & SALVAGE
PO Box 505 • 260 N. Main • Melbourne, AR 72556
870-368-4350

**24 HOUR
ROAD
SERVICE**

09810

TIME OF CALL A.M. P.M.	DATE IN 2-4-22	DATE OUT 2-28-22	TIME START A.M. P.M.	TIME FINISH A.M. P.M.	REQUESTED BY SP LP OR	PO/CASE #	OFFICER NAME I 24
NAME Ruddy Patterson					PHONE		
ADDRESS							
CITY							
YEAR	MAKE/MODEL Dodge			COLOR	ODOMETER	DRIVER	
MARKER PLATE #	STATE	VIN #	REGISTERED OWNER				
LOCATION OF VEHICLE Highway 9 North							
TOWED TO Yard							

REASON FOR TOW

<input checked="" type="checkbox"/> ACCIDENT	<input type="checkbox"/> BREAKDOWN
<input type="checkbox"/> ABANDONED	<input type="checkbox"/> UNREGISTERED
<input type="checkbox"/> NO START	<input type="checkbox"/> OUT OF GAS
<input type="checkbox"/> FLAT TIRE	<input type="checkbox"/> FIRE LANE
<input type="checkbox"/> LOCK OUT	<input type="checkbox"/> NO TRESPASS
<input type="checkbox"/> TOW ZONE	<input type="checkbox"/> ARREST
<input type="checkbox"/> STOLEN	<input type="checkbox"/> IMPOUNDED
<input type="checkbox"/> SNOW REMOVAL	<input type="checkbox"/>

VEHICLE STORAGE TIME
FROM 2-4-22 TO 2-28-22 DAYS @ \$35⁰⁰

MILEAGE

FINISH	START	TOTAL
		4

NOTES

BASIC CHARGE	150	00
MILEAGE	12	00
ROUND TRIP MILEAGE		
RECOVERY	350	00
Clean Up/ Secure Loose Parts	150	00
Gage Fee/Admin Fee /Certified Letter	60	00
STORAGE	875	00
Sec. Law	150	00
SUBTOTAL	1747	00
TAX	157	23
TOTAL	1904	23

METHOD OF PAYMENT

CASH CHARGE CHECK # _____

MASTERCARD **VISA** **AMERICAN EXPRESS** EXP. DATE _____

CREDIT CARD # _____

DRIVER'S SIGNATURE _____ DATE _____

AUTHORIZED SIGNATURE *X Ruddy Patterson* _____ DATE _____

I agree to hold this company harmless for any damages due to towing or services rendered.

We cannot be responsible for damages caused by faulty tires, bumper brackets, etc. This company assumes no responsibility for loss or damage by theft, fire, or any other cause beyond our control, to any vehicle placed with them for storage or repair.

Thank You





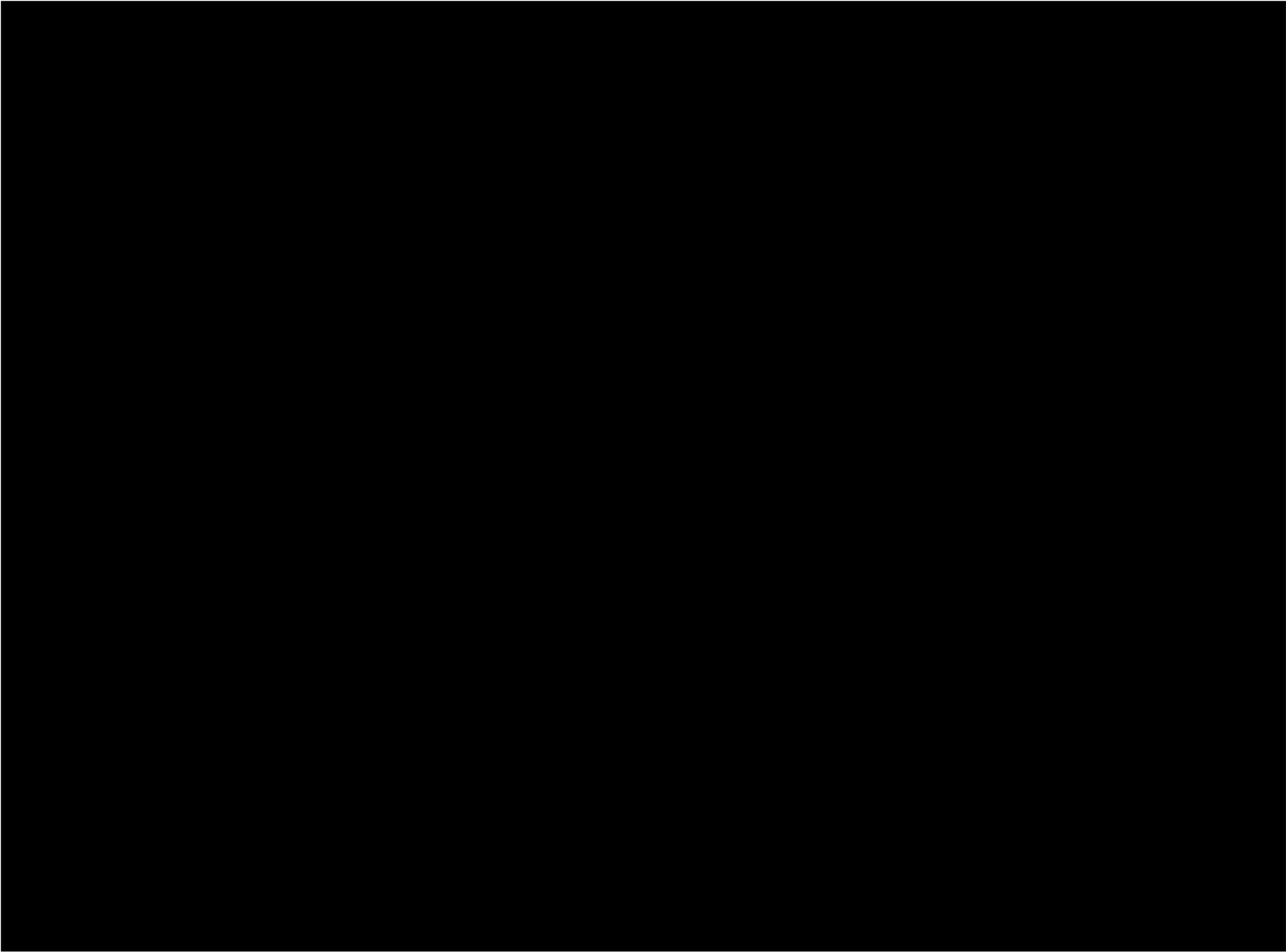












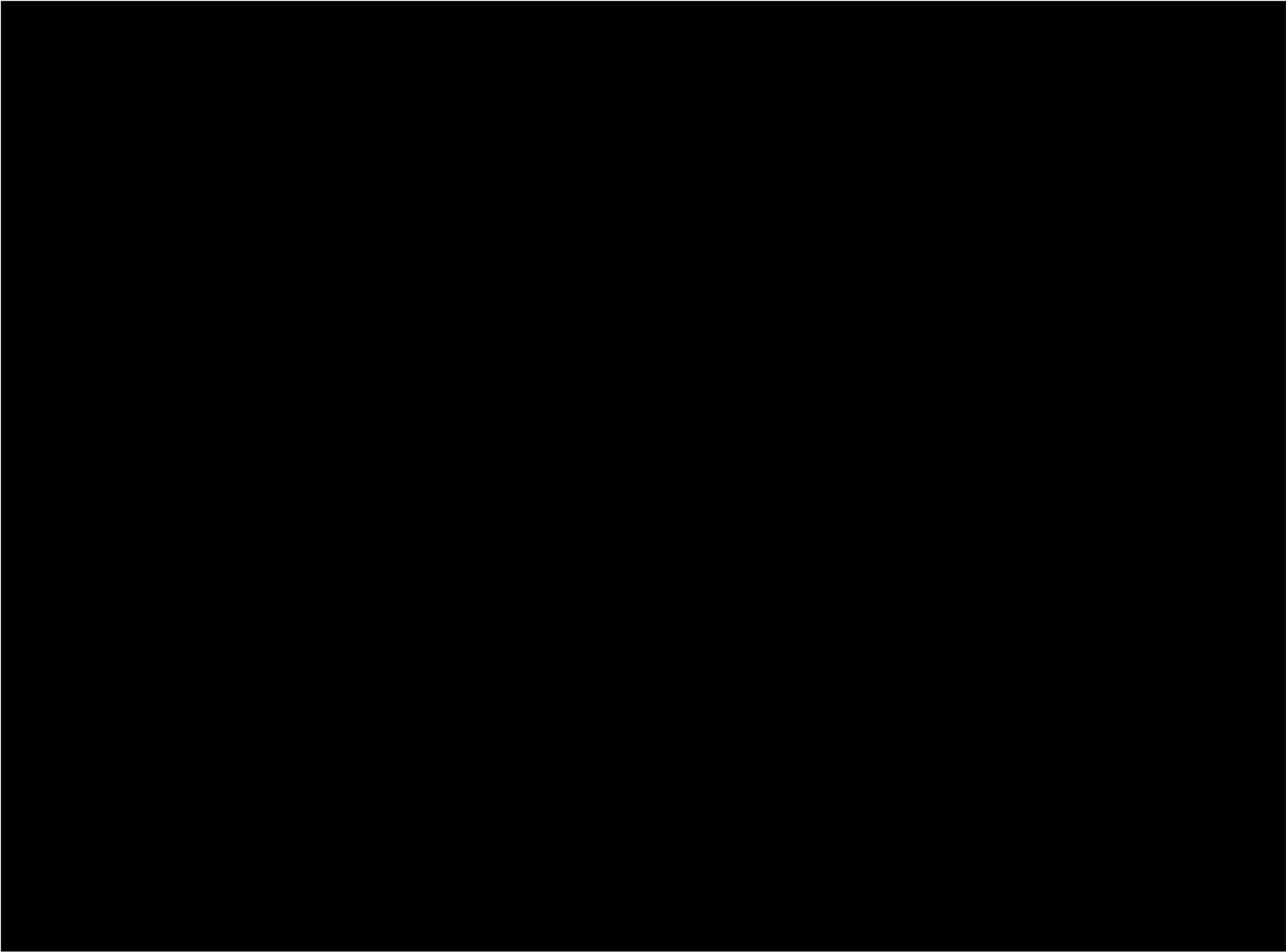
















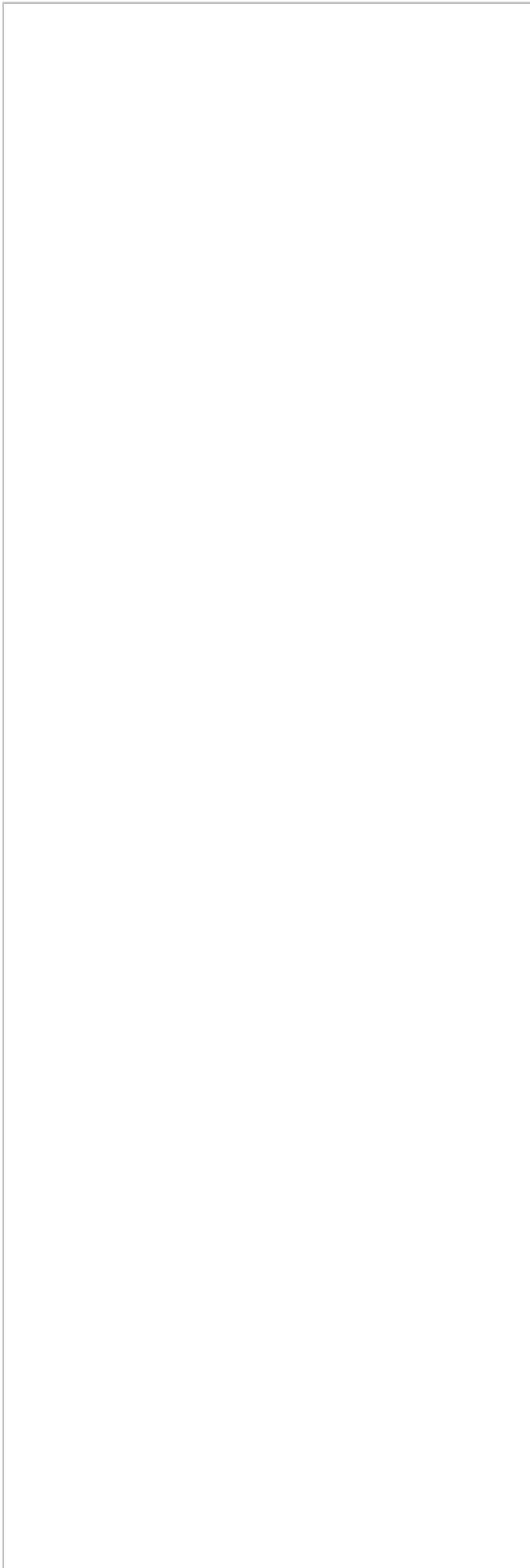




From: [Kathryn Irby](#)
To: [Misty Scott](#)
Subject: project -- ArDOT files/Amanda Andrews
Date: Thursday, July 14, 2022 6:21:04 PM
Attachments: [image001.png](#)
[image002.png](#)

Misty, for the following list of claims, please upload this email to each claim with the following description – “A. Andrews will be entering appearance for ArDOT.”

Please let me know when this is complete.



From: Blakley, Sharon <Sharon.Blakley@ardot.gov>
Sent: Monday, July 11, 2022 10:31 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Sparks, Trella A. <Trella.Sparks@ardot.gov>; Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: RE: Entry of Appearance

Amanda will represent ARDOT for this entire list.

We also have around a dozen construction claims for which JD Wilkins will replace Mark Umeda or Monty Baugh. I am working on that list now.

There are several hundred claims files for which we may need to file entries of appearance. I plan to set up a mail-merge program to generate all those just as soon as possible.

Thank you for your patience.

Sharon

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, July 11, 2022 10:13 AM
To: Blakley, Sharon <Sharon.Blakley@ardot.gov>
Cc: Sparks, Trella A. <Trella.Sparks@ardot.gov>; Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: Re: Entry of Appearance

CAUTION: This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Is it for the entire list or just the names in bold? We can add your email to each claim, which should add Ms. Andrews for Claims Commission purposes. That said, the claimants won't have notice of the attorney change until the entry of appearance is filed.

Kathryn

Get [Outlook for iOS](#)

From: Blakley, Sharon <Sharon.Blakley@ardot.gov>
Sent: Monday, July 11, 2022 9:35:37 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Sparks, Trella A. <Trella.Sparks@ardot.gov>; Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: Entry of Appearance

Good morning, Kathryn.

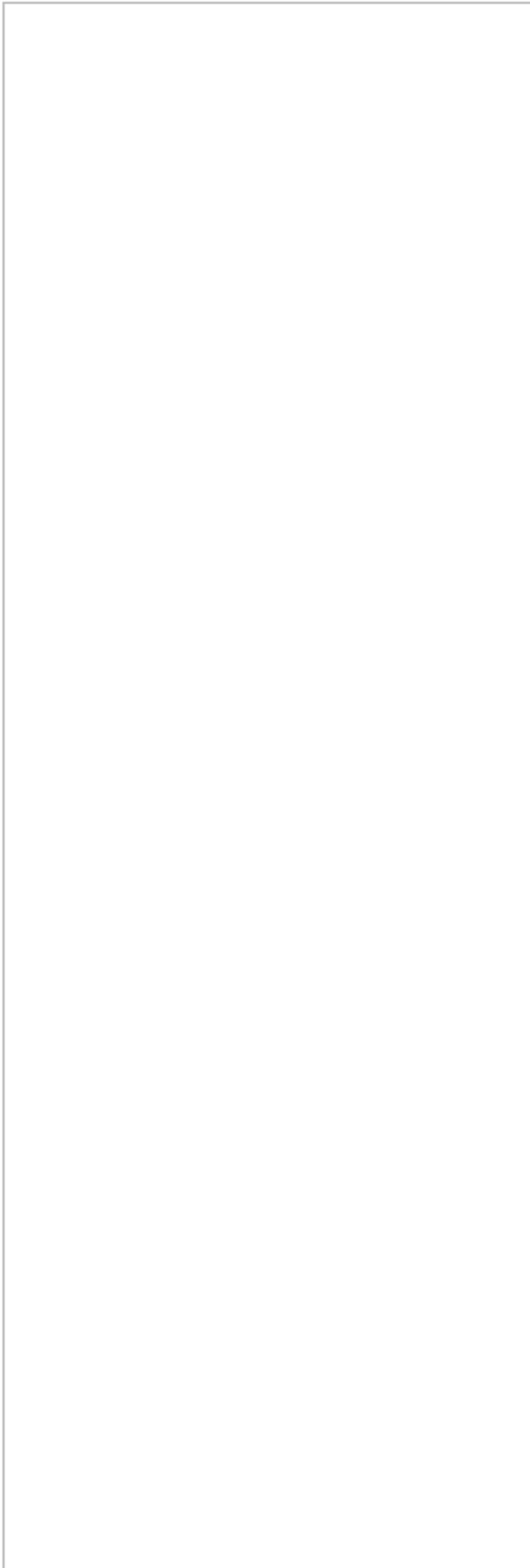
The claims shown below were previously assigned to Steve Abed.
Amanda J. Andrews, AR Bar No. 2005205, will be working on each of these claims for ARDOT.

She would like to begin receiving all correspondence for these claims.
It may take me a bit of time to prepare entries of appearance for each of these.

Is it possible to add Amanda in advance of each Entry of Appearance?

Thank you for your consideration.

Sharon



Sharon D. Blakley
ARDOT - Legal Office Manager
Tax Intercept Unit Administrator
(501) 569-2022 fax (501)569-2164
Sharon.Blakley@ardot.gov

ArDOT Logo (email)



From: [Kathryn Irby](#)
To: [Tye Boudra-Bland](#); [ASCC Pleadings](#); Trella.Sparks@ardot.gov
Cc: [Chris Heil](#)
Subject: DISCOVERY STATUS: Patterson v. ArDOT, Claim No. 221005
Date: Monday, July 25, 2022 12:43:00 PM

Mr. Heil and Ms. Sparks, the Claims Commission has reviewed ArDOT's answer and would like for the parties to conduct discovery prior to scheduling a hearing in this matter. I also see that discovery appears to be well underway at this point. If the parties cannot resolve this matter and need to schedule a hearing, let me know when discovery is nearing completion, so we can get this matter added to the hearing docket.

Thanks,
Kathryn Irby

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

From: [Andrews, Amanda J.](#)
To: [Chris Heil](#); [Kathryn Irby](#)
Subject: RE: Buddy Patterson v. ARDOT Claim# 221005
Date: Monday, November 27, 2023 4:02:40 PM
Attachments: [image001.jpg](#)

I agree with that timeframe.

Amanda J. Andrews, Staff Attorney

Arkansas Department of Transportation

P.O. Box 2261

Little Rock, AR 72203-2261

Office: (501) 569-2278

Fax: (501) 569-2164

Email: amanda.andrews@ardot.gov



From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Monday, November 27, 2023 2:46 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: Re: Buddy Patterson v. ARDOT Claim# 221005

CAUTION: This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I believe we could do this in ½ day. Its pretty straightforward, I believe.

Sincerely,
Chris Heil

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, November 27, 2023 2:26 PM
To: Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: RE: Buddy Patterson v. ARDOT Claim# 221005

How long do the parties anticipate needing for the hearing?

Kathryn

From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Monday, November 27, 2023 1:46 PM

To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: Buddy Patterson v. ARDOT Claim# 221005

Ms. Irby:

I would like go ahead and request a hearing date on this claim. I'm asking now on the assumption that it would be some time before we could get one scheduled and this matter has been pending for some time. I have copied Ms. Andrews on this email so she can add her thoughts.

Thank you in advance.

Sincerely,
Chris Heil
Chris Heil | Attorney

Phone: (501) 400-0572
Email: chrisheil@taylorlaw.com
Address: 820 West Third Street, Little Rock, AR,
72201



taylorlaw.com



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Chris Heil | Attorney

Phone: (501) 400-0572
Email: chrisheil@taylorlaw.com
Address: 820 West Third Street, Little Rock, AR,
72201



taylorlaw.com



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From: [Kathryn Irby](#)
To: [Andrews, Amanda J.](#); [Chris Heil](#)
Cc: [Blakley, Sharon](#)
Subject: HEARING SCHEDULED: Patterson v. ArDOT, Claim No. 221005
Date: Tuesday, November 28, 2023 3:59:00 PM
Attachments: [image001.jpg](#)
[Patterson v. ArDOT, 221005 -- hearing ltr \(claim\).pdf](#)

Chris and Amanda, please see attached hearing letter.

Thanks,
Kathryn

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

From: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Sent: Monday, November 27, 2023 4:03 PM
To: Chris Heil <chrisheil@taylorlaw.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: RE: Buddy Patterson v. ARDOT Claim# 221005

I agree with that timeframe.

Amanda J. Andrews, Staff Attorney

Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
Office: (501) 569-2278
Fax: (501) 569-2164
Email: amanda.andrews@ardot.gov



From: Chris Heil <chrisheil@taylorlaw.com>
Sent: Monday, November 27, 2023 2:46 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: Re: Buddy Patterson v. ARDOT Claim# 221005

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I believe we could do this in ½ day. Its pretty straightforward, I believe.

Sincerely,
Chris Heil

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, November 27, 2023 2:26 PM
To: Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: RE: Buddy Patterson v. ARDOT Claim# 221005

How long do the parties anticipate needing for the hearing?

Kathryn

From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Monday, November 27, 2023 1:46 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: Buddy Patterson v. ARDOT Claim# 221005

Ms. Irby:

I would like go ahead and request a hearing date on this claim. I'm asking now on the assumption that it would be some time before we could get one scheduled and this matter has been pending for some time. I have copied Ms. Andrews on this email so she can add her thoughts.

Thank you in advance.

Sincerely,
Chris Heil
Chris Heil | Attorney

Phone: (501) 400-0572
 Email: chrisheil@taylorkinglaw.com
 Address: 820 West Third Street, Little Rock, AR,
 72201



taylorkinglaw.com



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Chris Heil | Attorney

Phone: **(501) 400-0572**
Email: chrisheil@taylorkinglaw.com
Address: **820 West Third Street, Little Rock, AR,
72201**

Logo



taylorkinglaw.com



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ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

November 28, 2023

Mr. Chris Heil
Taylor King Law
820 West Third Street
Little Rock, Arkansas 72201

(via email)

Ms. Amanda Andrews
Arkansas Department of Transportation
Post Office Box 2261
Little Rock, Arkansas 72203

(via email)

RE: ***Buddy Patterson v. Arkansas Department of Transportation***
Claim No. 221005

Dear Mr. Heil and Ms. Andrews,

The Commission has scheduled this claim for a half-day hearing on **Friday May 10, 2024**, beginning at 9:00 a.m. All parties will attend via Zoom. If either party objects to the Zoom format, a written objection must be submitted via email (kathryn.irby@arkansas.gov) or received via mail no later than December 4, 2023. The Zoom invitation is enclosed.

The following prehearing materials are due on or before **April 19, 2024**, and should be submitted electronically to ascpleadings@arkansas.gov (if either party believes that electronic submission will be cumbersome or otherwise unworkable, please contact me to discuss):

- Each party's list of witnesses who will testify live at the hearing or via deposition;
- Each party's list of exhibits that may be introduced at the hearing;
- Deposition transcripts if any deposition testimony will be submitted in lieu of live testimony;
- Prehearing briefs if either party would like to submit for Commission review; and
- Subpoena requests (absent a showing of good cause, the Commission will not issue subpoenas for requests received after the prehearing material deadline).

To the extent that either party intends to file a motion of any kind, absent a showing of good cause, the motion must be submitted in sufficient time to allow the motion to be fully briefed pursuant to the Arkansas Rules of Civil Procedure by **April 19, 2024**.

Please note that a copy of any filing must be served upon the opposing party in accordance with the Arkansas Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Hearings

Time: May 10, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87678286823?pwd=GVEiagKbaylkCZuPosCM205L94NYn6.1>

Meeting ID: 876 7828 6823

Passcode: Caz4Bi

Dial by your location

- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)

Meeting ID: 876 7828 6823

Passcode: 078863

Find your local number: <https://us06web.zoom.us/u/kcNxf3fuh>

From: [Kathryn Irby](#)
To: [Chris Heil](#)
Cc: [Andrews, Amanda J.](#)
Subject: RE: Buddy Patterson v. ARDOT 221005 (Depo subpoena)
Date: Monday, January 29, 2024 2:10:00 PM
Attachments: [Patterson -- 221005 -- Gross subpoena.pdf](#)

Revised subpoena attached.

Kathryn

From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Monday, January 29, 2024 2:04 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: Re: Buddy Patterson v. ARDOT 221005 (Depo subpoena)

Looks good, but in the meantime we have pushed back the start time to 10:00, so if you could make that change it would be appreciated. Thanks!

Sincerely,
Chris Heil

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, January 29, 2024 1:52 PM
To: Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: RE: Buddy Patterson v. ARDOT 221005 (Depo subpoena)

Chris, please doublecheck this subpoena for me, and let me know if you see any issues.

Thanks,
Kathryn

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

From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Monday, January 29, 2024 1:36 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>

Subject: Buddy Patterson v. ARDOT 221005 (Depo subpoena)

Dear Ms. Irby: Thank you for taking my call. I would like to have a deposition subpoena issued in this matter to Mr. Lance Gross, [REDACTED] for a deposition to take place on February 28, 2024 starting at 9:00 a.m.. The deposition will take place at the ARDOT facility at 1525 E. Main Street in Melbourne, AR 72556. Thank you in advance and again for your help! I am copying Ms. Andrews on this communication with the Commission.

Sincerely,
Chris Heil
Chris Heil | Attorney

Phone: (501) 400-0572
Email: chrisheil@taylorkinglaw.com
Address: 820 West Third Street, Little Rock, AR, 72201



taylorkinglaw.com



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**Issued by the
ARKANSAS STATE CLAIMS COMMISSION**

BUDDY PATTERSON, Claimant

SUBPOENA

V.

CLAIM NO. 221005

ARKANSAS DEPARTMENT OF TRANSPORTATION, Respondent

TO: Mr. Lance Gross

████████████████████
████████████████████

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

 X YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

February 28, 2024
10:00 a.m.
1525 East Main Street, Melbourne, Arkansas 72556 (ArDOT facility)

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

_____ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents or objects):



January 29, 2024

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

Date

PROOF OF SERVICE

 SERVED ON (Print Name)

 DATE

 PLACE

 MANNER OF SERVICE

 SERVED BY (Print Name)

 TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

 SIGNATURE OF SERVER

 ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of \$30.00 per day for attendance and \$0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of \$30.00 per day for attendance and \$0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

From: [Chris Heil](#)
To: [Andrews, Amanda J.](#); [Kathryn Irby](#)
Cc: [Denker, Alexander C.](#); [Blakley, Sharon D.](#)
Subject: Re: Buddy Patterson v. ARDOT 221005 (Depo subpoena)
Date: Monday, February 5, 2024 10:45:03 AM
Attachments: [image001.jpg](#)
[Proof of Service - witness subpoena - Buddy Patterson.pdf](#)

Please see attached proof of service of deposition subpoena on witness Lance Gross.

Sincerely,
Chris Heil

From: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Sent: Monday, January 29, 2024 4:17 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Denker, Alexander C. <Alexander.Denker@ardot.gov>; Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
Subject: FW: Buddy Patterson v. ARDOT 221005 (Depo subpoena)

Thank you, Chris and Kathryn. The subpoena has been received.

Amanda J. Andrews, Staff Attorney

Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
Office: (501) 569-2278
Fax: (501) 569-2164
Email: amanda.andrews@ardot.gov



From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, January 29, 2024 2:10 PM
To: Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: RE: Buddy Patterson v. ARDOT 221005 (Depo subpoena)

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Revised subpoena attached.
Kathryn

From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Monday, January 29, 2024 2:04 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: Re: Buddy Patterson v. ARDOT 221005 (Depo subpoena)

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Sincerely,
Chris Heil

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Sent: Monday, January 29, 2024 1:52 PM
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Subject: RE: Buddy Patterson v. ARDOT 221005 (Depo subpoena)
Chris, please doublecheck this subpoena for me, and let me know if you see any issues.
Thanks,
Kathryn

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

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Chris Heil

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Email: chrisheil@taylorkinglaw.com
Address: 820 West Third Street, Little Rock, AR, 72201



taylorkinglaw.com



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IN THE ARKANSAS STATE CLAIMS COMMISSION OF COUNTY,

BUDDY PATTERSON
CASE NUMBER:221005

PLAINTIFF

VS.

NO. 221005

ARKANSAS DEPARTMENT OF TRANSPORTATION

DEFENDANT

SERVICE RETURN

STATE OF
COUNTY OF

On Sun, Feb 04 2024 at 11:47 o'clock am I have duly attempted service of the within Subpoena by delivering a copy of these same documents to the person and place stated below:

Place:1874 Honeysuckle Rd, Franklin, AR 72536

Person:Mr. Lance Gross

On Sun, Feb 04 2024 at 11:47 o'clock am I personally delivered the above named documents to Mr. Lance Gross at [redacted] [place]; or

After making my purpose to deliver the above named documents clear, on I left the above named documents in the close proximity of the named person by, [describe how the above named documents were left] after he/she refused to receive it when I offered it to him/her; or

On _____ I left the above named documents with _____ [name], a member of the named person's family (_____) [relationship] at least 18 years of age, at _____ [address], a place where the named person resides; or

On _____ I delivered the above named documents to _____ [name of individual], an agent authorized by appointment or by law to receive service of above named documents on behalf of _____ [named person]; or

On _____ at _____ [address], where the named person maintains an office or other fixed location for the conduct of business, during normal working hours I left the above named documents with _____ [name and job description];

On _____ I served (name) _____ identified as the administrator of the (name), a jail, penitentiary, or other correctional facility in Arkansas where the Named Person was held at the time of service. *See* ARCP 4(f)(4).

Other [specify]:

I was unable to execute service because: _____

TO BE COMPLETED IF SERVICE IS BY A SHERIFF OR DEPUTY SHERIFF:

SHERIFF OF _____ COUNTY, ARKANSAS

Date: _____

By: _____
Signature of server

Printed name, title, and badge number

TO BE COMPLETED IF SERVICE IS BY A PERSON OTHER THAN A SHERIFF OR DEPUTY SHERIFF:

Date: 02/04/2024

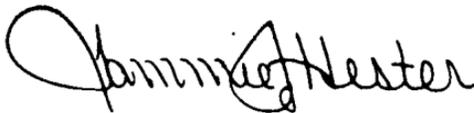
By: _____


Phone: 1-870-897-6529

Signature of server
Jeremy Rowland
Printed name

Address: Pronto Process Servers, LLC P.O. Box 250 Bono, AR 72416

Subscribed and sworn to before me this date: 02/04/2024



Seal:



Additional information regarding service or attempted service:

2/04/24, 11:47 am CST Personal/Individual _____

From: [Chris Heil](#)
To: [ASCC Pleadings](#)
Cc: [Kathryn Irby](#); [Andrews, Amanda J.](#)
Subject: Patterson v. ARDOT #221005 (#1)
Date: Friday, April 19, 2024 9:04:47 AM
Attachments: [Claimants Witness&Exhibit list and Pretrial Brief.pdf](#)
[Exhibit 11 \(1\).pdf](#)
[Exhibit 10 \(1\).pdf](#)
[Exhibit 9 \(1\).pdf](#)
[Exhibit 8 \(1\).pdf](#)
[Exhibits 1-6.pdf](#)
[Exhibit 7 \(1\).pdf](#)

Please find attached Claimants Witness and Exhibit list and Pre-Trial Brief and Exhibits. There are many exhibits so I may have to break this into 2 or 3 emails.

Sincerely,
Chris Heil
Chris Heil | Attorney

Phone: (501) 400-0572
Email: chrisheil@taylorkinglaw.com
Address: 820 West Third Street, Little Rock, AR,
72201



taylorkinglaw.com



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

BUDDY PATTERSON

CLAIMANT

V.

CLAIM NO. 221005

ARKANSAS DEPARTMENT OF TRANSPORTATION

RESPONDENT

**CLAIMANTS WITNES AND EXHIBIT LIST
AND PRE-HEARING BRIEF**

WITNESS LIST:

1. Buddy Patterson
2. Lance Gross by deposition
3. Dr. Shad McClain, D.C.

EXHIBIT LIST:

1. Photo of vehicles at scene (Gross depo Ex. 1)
2. Photo of vehicles at scene (Gross depo Ex. 2)
3. Photo of vehicles at scene (Gross depo Ex. 3)
4. Photo of vehicles at scene (Gross depo Ex. 4)
5. Photo of vehicles at scene (Gross depo Ex. 5)
6. Photo of vehicles at scene (Gross depo Ex. 6)
7. Collective (3) photos of damage to claimant vehicle
8. Police report
9. Gross Handwritten statement to Police

10. Buddy Patterson deposition
11. Lance Gross deposition
12. Triangle Towing Bill
13. Izard County Med. Ctr. Records
14. Dr. McClain Opinion letter
15. Dr. McClain Billing
16. Dr. McClain Records
17. [REDACTED] coverage documentation (liability only)

PRE-HEARING BRIEF

This case involves a collision between the Claimant's vehicle and a snow-plow equipped ARDOT vehicle driven by ARDOT employee Lance Gross. On February 4, 2022 on Highway 9 near Melbourne during the early morning hours, Mr. Gross left the ARDOT facility nearby driving a truck with a snow plow attachment. The nature of the snow plow will become important. Mr. Gross was plowing recently fallen snow in headed northbound on Highway 9 (2 lanes) approaching a private drive at 2239 Hwy 9. At the same the Claimant was slowly driving his 1998 Dodge pickup southbound and the two approached one another. As Claimant got close to the ARDOT vehicle, the snow plow "tripped" or "skipped" on something on the road which caused the ARDOT vehicle to lose control and cross the centerline where it and the Plaintiff's vehicle hit head on.

With apologies for the length of the quotes from Mr. Gross' deposition, it is necessary to understand how and why the snow plow and ARDOT's refusal to modernize to a safer way of plowing caused this incident. From Mr. Gross' deposition:

Page 11

13 A Prior to this they had always told us if it ever grabbed

14 and the plow tripped --

15 Q Okay.

16 A -- that it would shoot you to the other lane.

17 Q Okay. Was there any --

18 A Well --

19 Q Go ahead.

20 A -- I had run different plows. I was with the highway

21 department seven years and in that seven years I'd run three or

22 four different plow trucks. Okay, one plow truck had a brand

23 new plow on front. And there's a spring about, I don't know,

24 four inches around or so and probably two, two and a half foot

25 long that keeps that plow up. Okay? That brand new plow never

Page 12

1 tripped with me. These older plows they've got, the springs

2 are weak and it, I think that was a lot of the reason why it

3 tripped. And when it tripped it shot me to the other lane.

4 Q Did you ever ask that you get one of the new plows on your

5 truck so you could drive with that instead of the older one?

6 A My seven years with the department, it wouldn't have done

7 no good.

8 Q Okay.

9 A And there's also another deal that could, could have saved

10 all this from happening. And there's a few plows, I don't know
 11 if they still got them out here but they've got a hook welded
 12 on them --

13 Q Uh-huh.

14 A -- like on the end of a chain. They've got a hook welded
 15 up there and they got a piece of chain back there welded on
 16 them and you can chain them plows. But it come, at that time
 17 it come from the boss at Batesville, which was Lyndal Waits,
 18 and he said if your caught chaining these plows, your fired.

19 Q *And what, in your opinion having driven for seven years,*
 20 *would chaining that plow help, help prevent what happened here?*

21 A Yes, it would have.

22 Q Okay.

23 A **Because the plow would not have tripped over and I would**
 24 **not have went into the lane with him coming toward me.**

25 Q Okay. And of course State Highway 9, that's one of

Page 13

1 those real tight, two lane roads. There's no shoulder, not
 2 much of a shoulder on either side is there?

3 A **No, not in this particular spot.**

• * * *

10 Q Okay. And so when the when the plow tripped I assume

11 it jerked the wheel to the left; is that what happened?

12 **A It didn't actually jerk the wheel to the left. It was**

13 **pretty much a solid sheet of ice that morning, but when it, the**

14 **plow is angled like this so it will throw stuff off the road.**

15 **When it tripped, I don't know exactly how it does it, but I**

16 **guess it just shoots you to the other lane.**

17 Q Okay.

18 **A There was one or two others, not in this county but in**

19 **district five, which is like nine counties up here, that done**

20 **the same thing that same week.**

21 Q Okay.

22 **A But them the two or three others was not, they was lucky**

23 **enough and did not hit another vehicle.**

24 Q Okay. So when your's tripped and you, when, I mean, how,

25 how quickly after it tripped did it slide across the road?

Page 14

1 **A It pretty much done it immediately.**

2 Q And of course Mr. Patterson was coming from the other

3 direction?

4 **A Yes.**

5 Q And in your opinion did he have enough time to react to

6 you coming across to avoid you, avoid this happening?

7 **A No, no he did not.**

Page 21

21 MR. HEIL: It was nice to meet you. Thanks for coming
22 in.

23 **THE WITNESS: Yeah, you too. And, like I said, if**
24 they'll chain those plows or if they'll go through and get
25 these old plows out of here and put in, get some better

Page 22

1 plows or maybe go in and rebuild some of them, it won't,
2 stuff like this won't happen near as often.

3 MR. HEIL: All right, I love to hear it. Thank you
4 very much, take care.

5 MR. DENKER: And nice to meet you.

6 THE WITNESS: You too.

The photographs that are marked as Exhibits 1-6 show the aftermath of the collision and Exhibit 7 shows the damage to the truck, which was a total loss. The value of the truck was somewhere in the neighborhood of \$3,000 to \$3,500. The Claimant also suffered neck and back strains and sought treatment at IZARD County Medical Center and with Dr. Shad McClain, D.C. and continues to receive weekly treatments from Dr. McClain. The medical records from both are presented and the bills for Dr. McClain as well. The Claimant only had liability insurance so there is no

collision or medpay coverage available and his health insurance does not cover chiropractic care. There is also a bill for the towing and storage of the Claimant's truck.

Respectfully submitted,

Taylor King Law Firm.

By:



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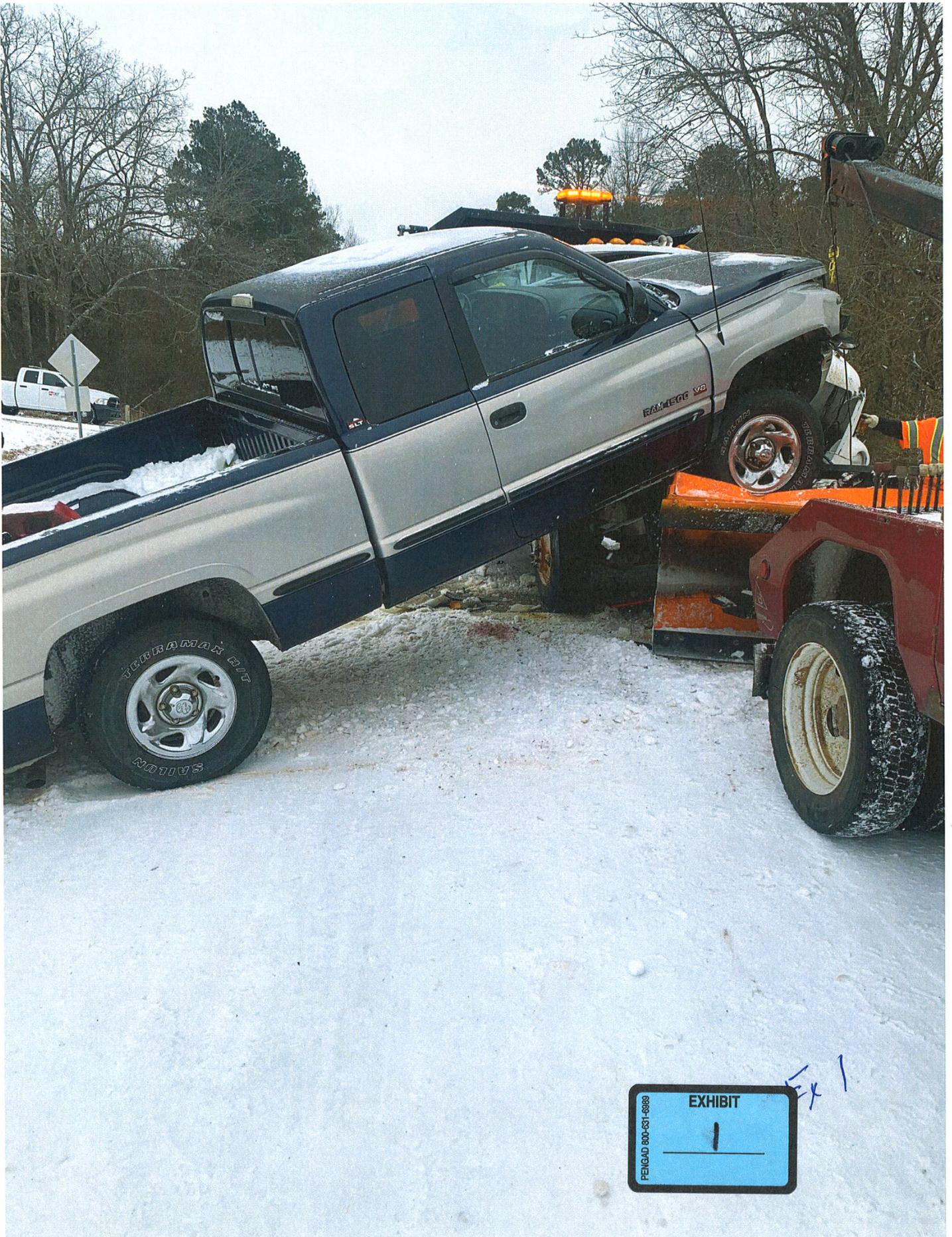
CERTIFICATE OF SERVICE

I, Christopher R. Heil, hereby certify that I have served a copy of the forgoing upon the Following by email this 19th day of April, 2024:

Ms. Amanda Andrews
ArDOT Legal Division
P.O. Box 2261
Little Rock, AR 72203-2261
amanda.andrews@ardot.gov



Christopher Heil



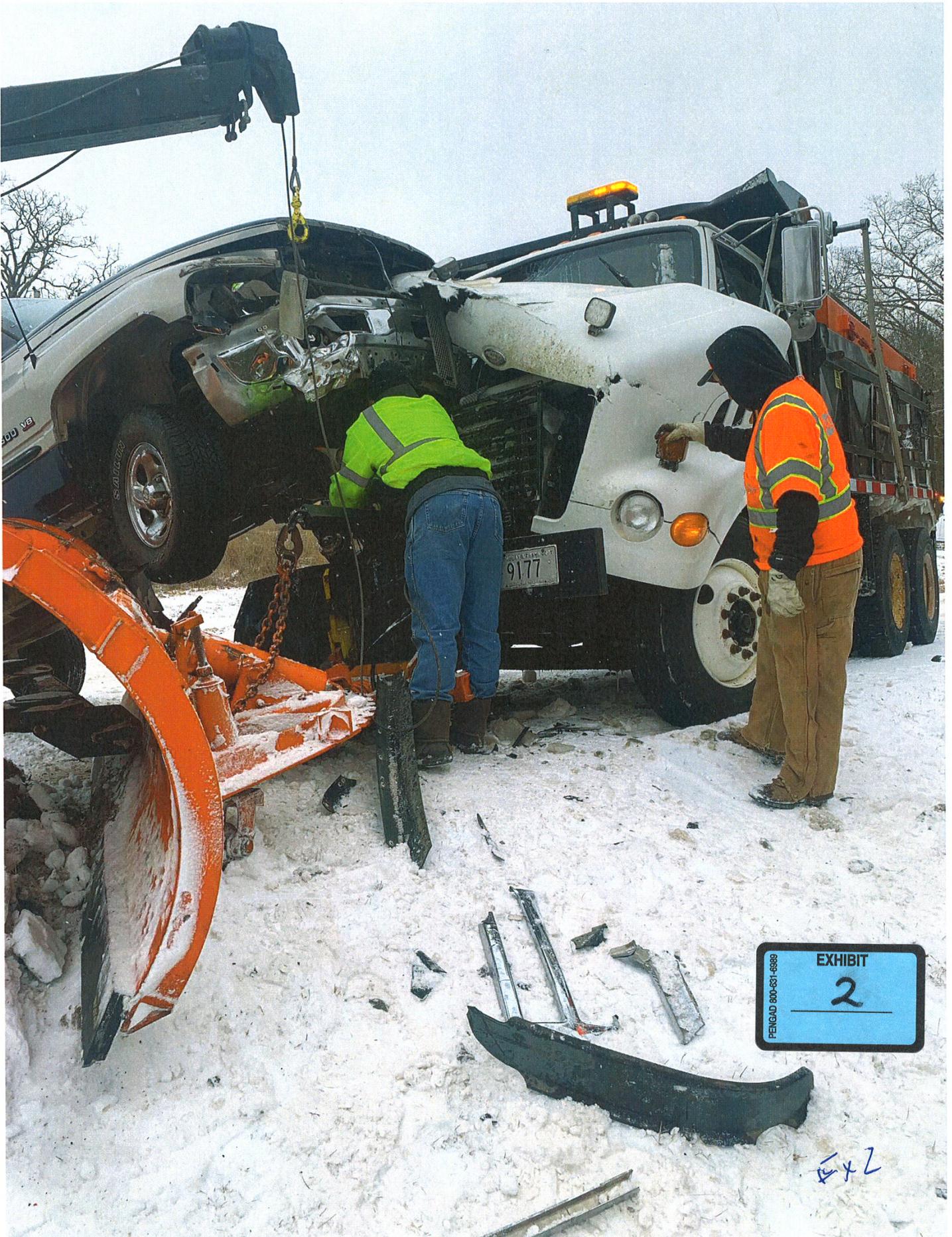
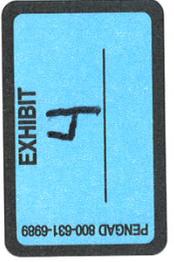


EXHIBIT
2
PENGAD 800-681-6868

Ex 2



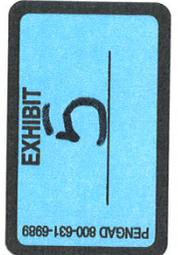
Ex 3



Ex 4

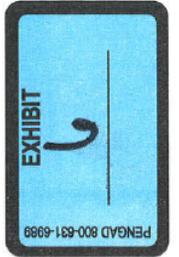


Ex 5





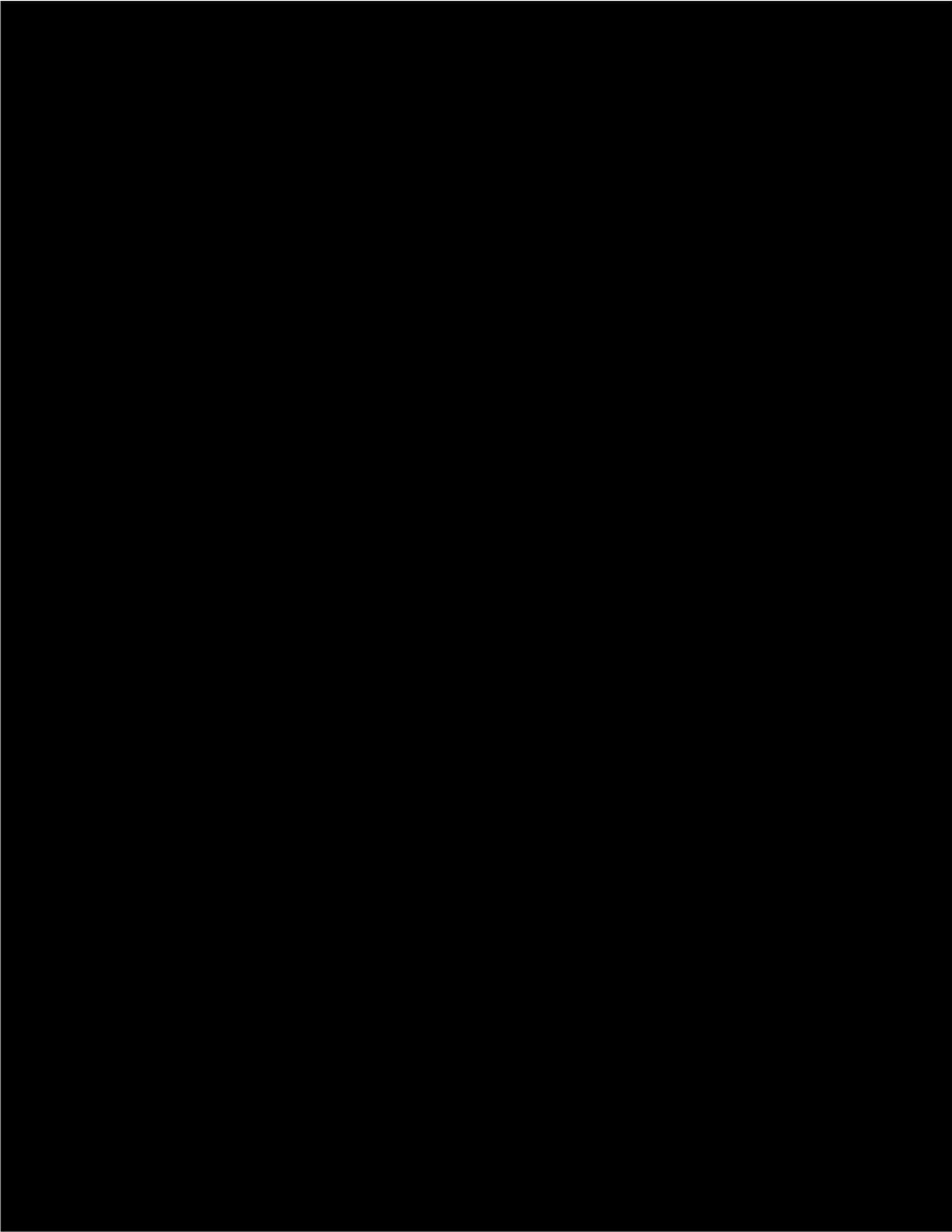
EX 6

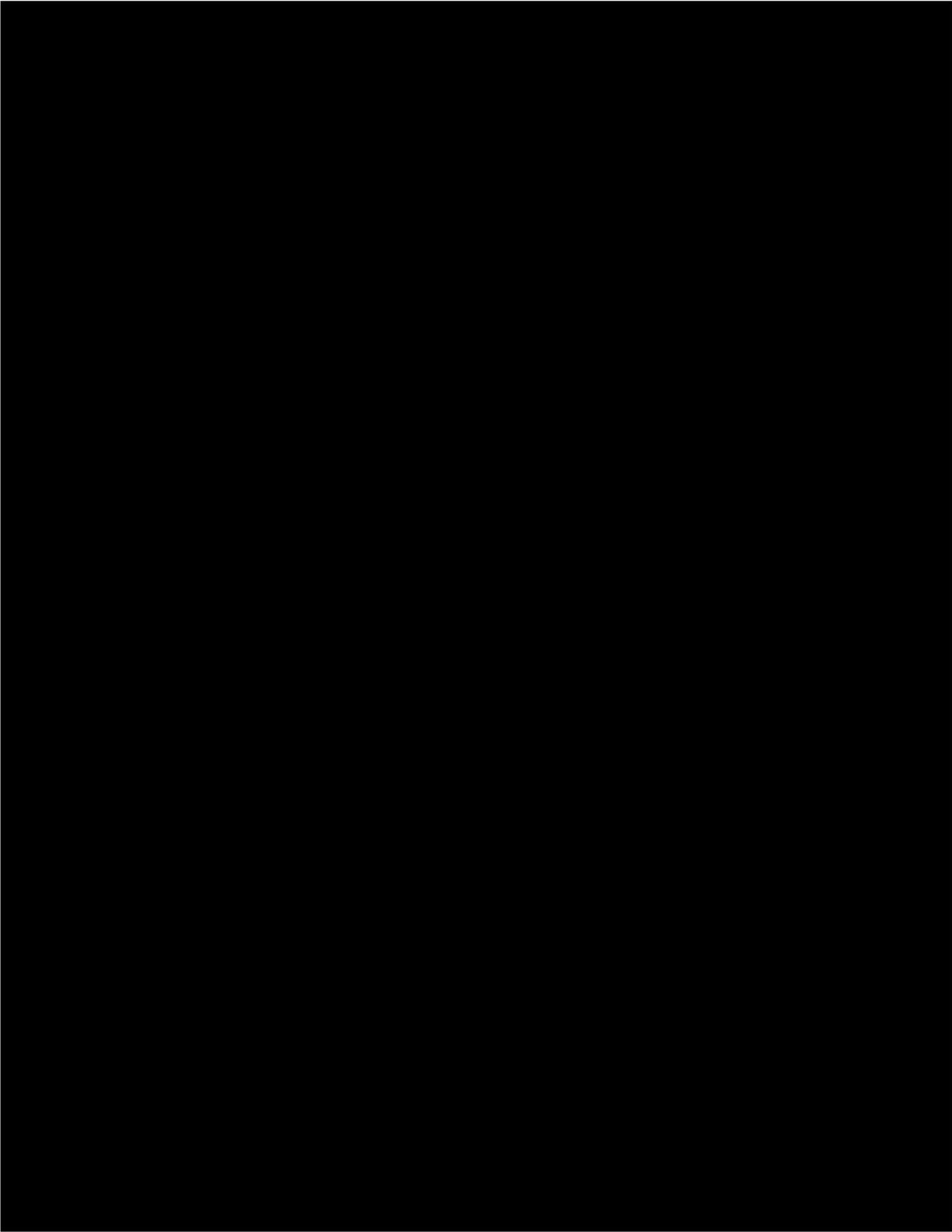


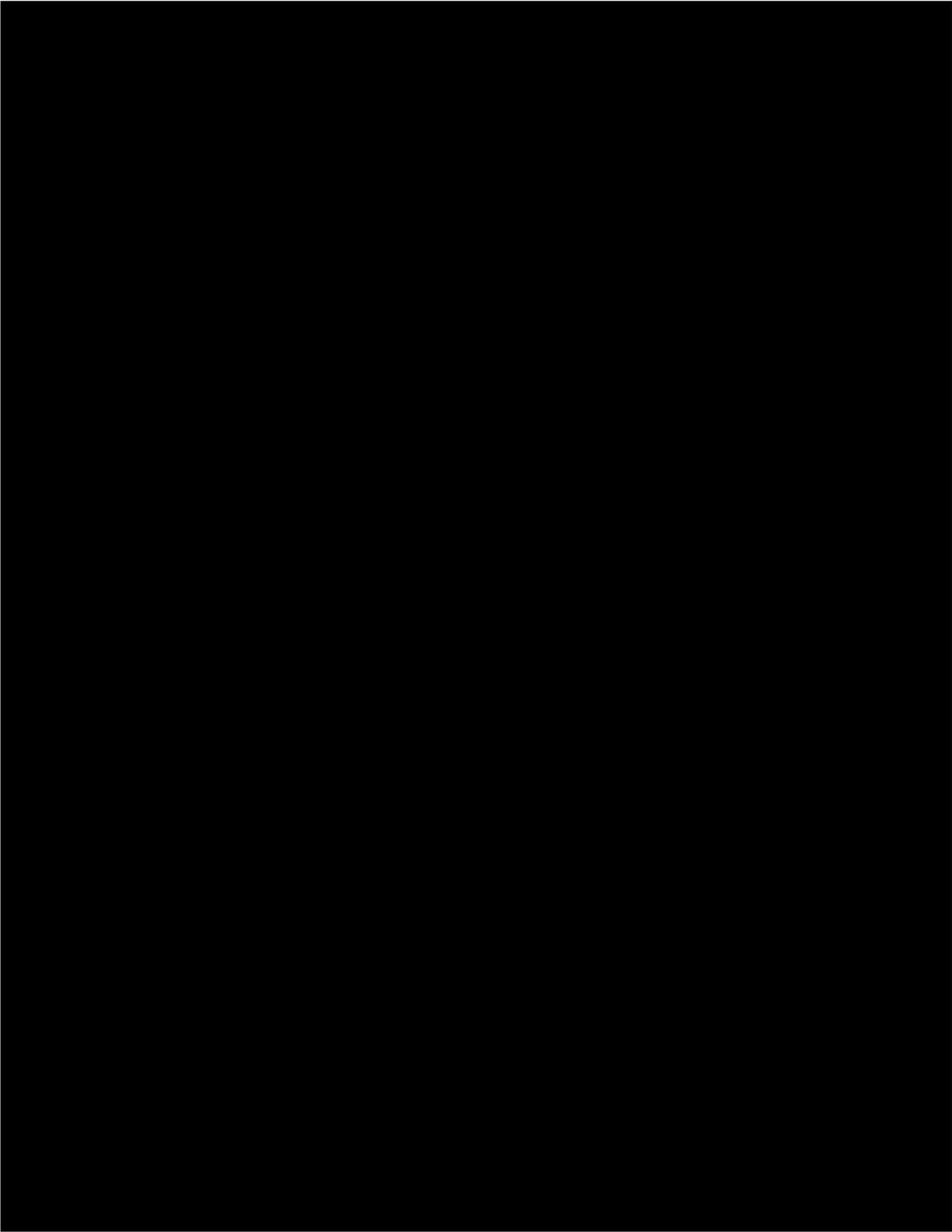


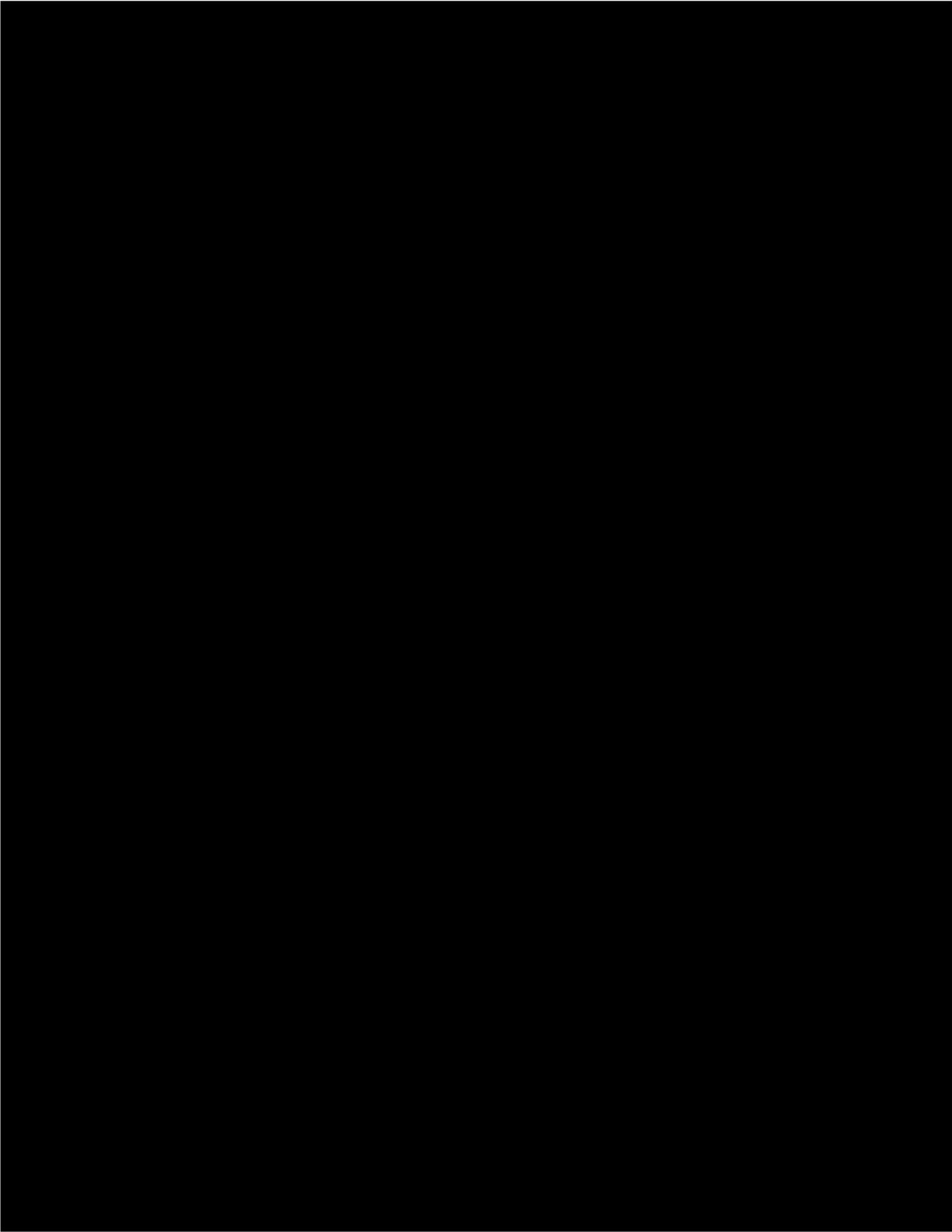


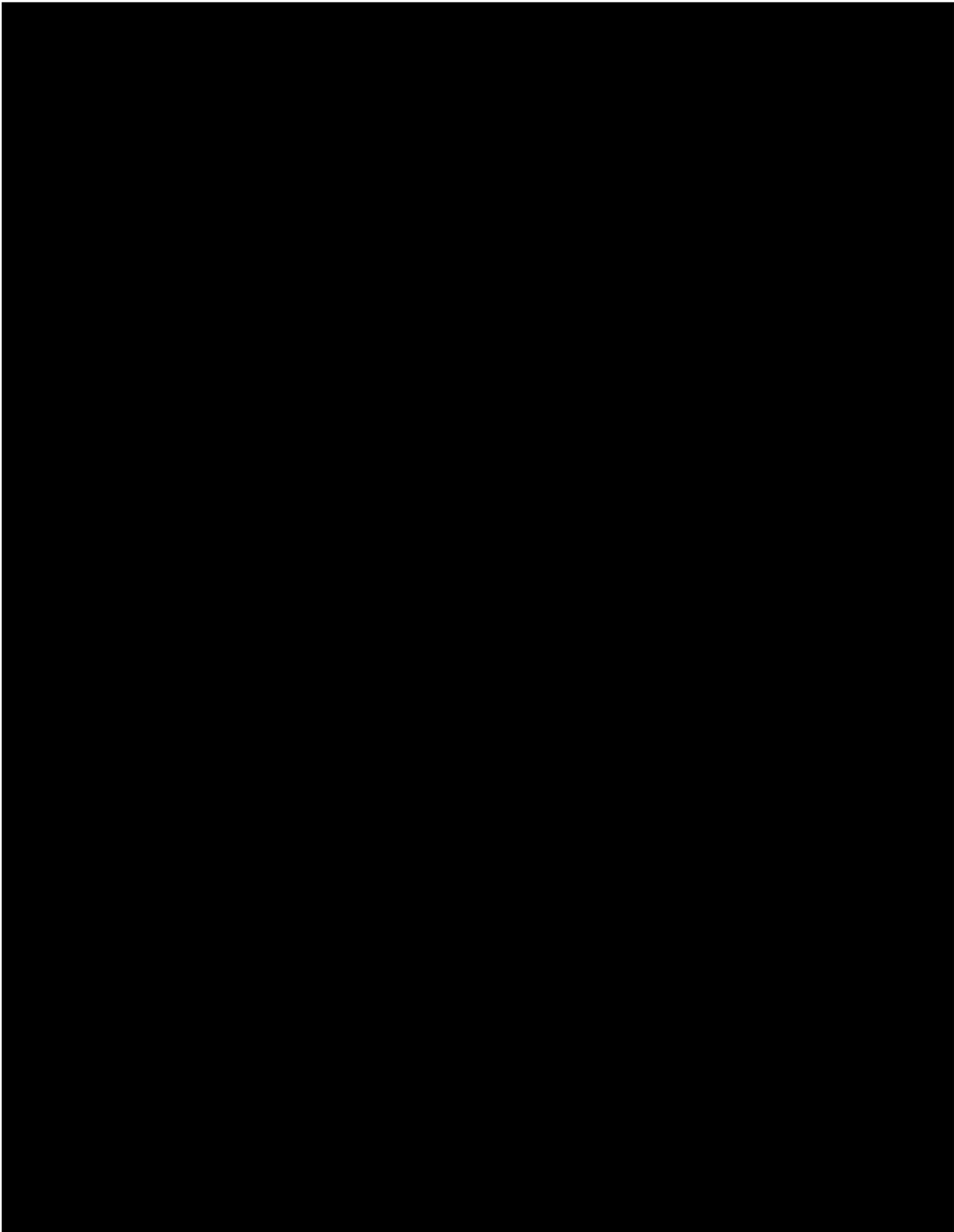


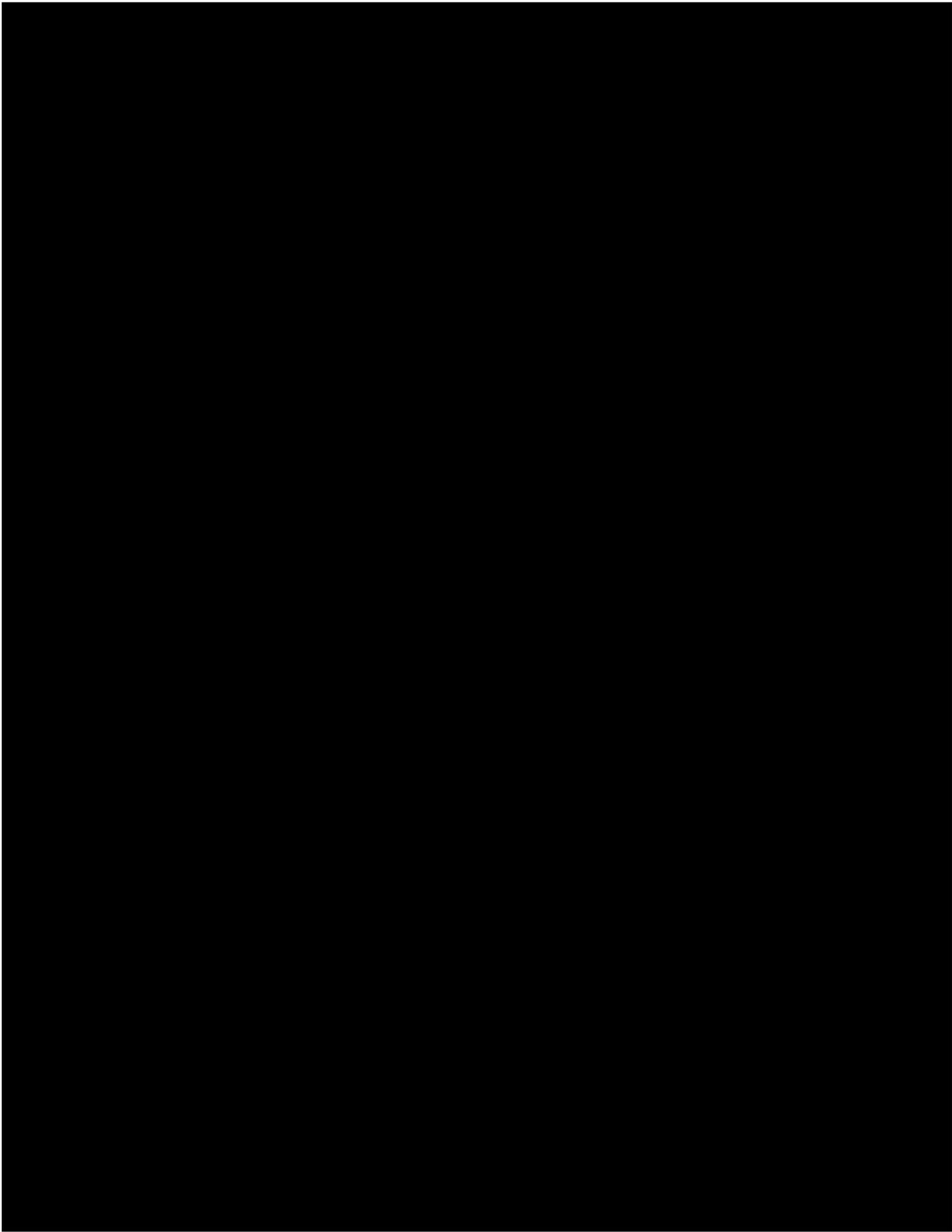


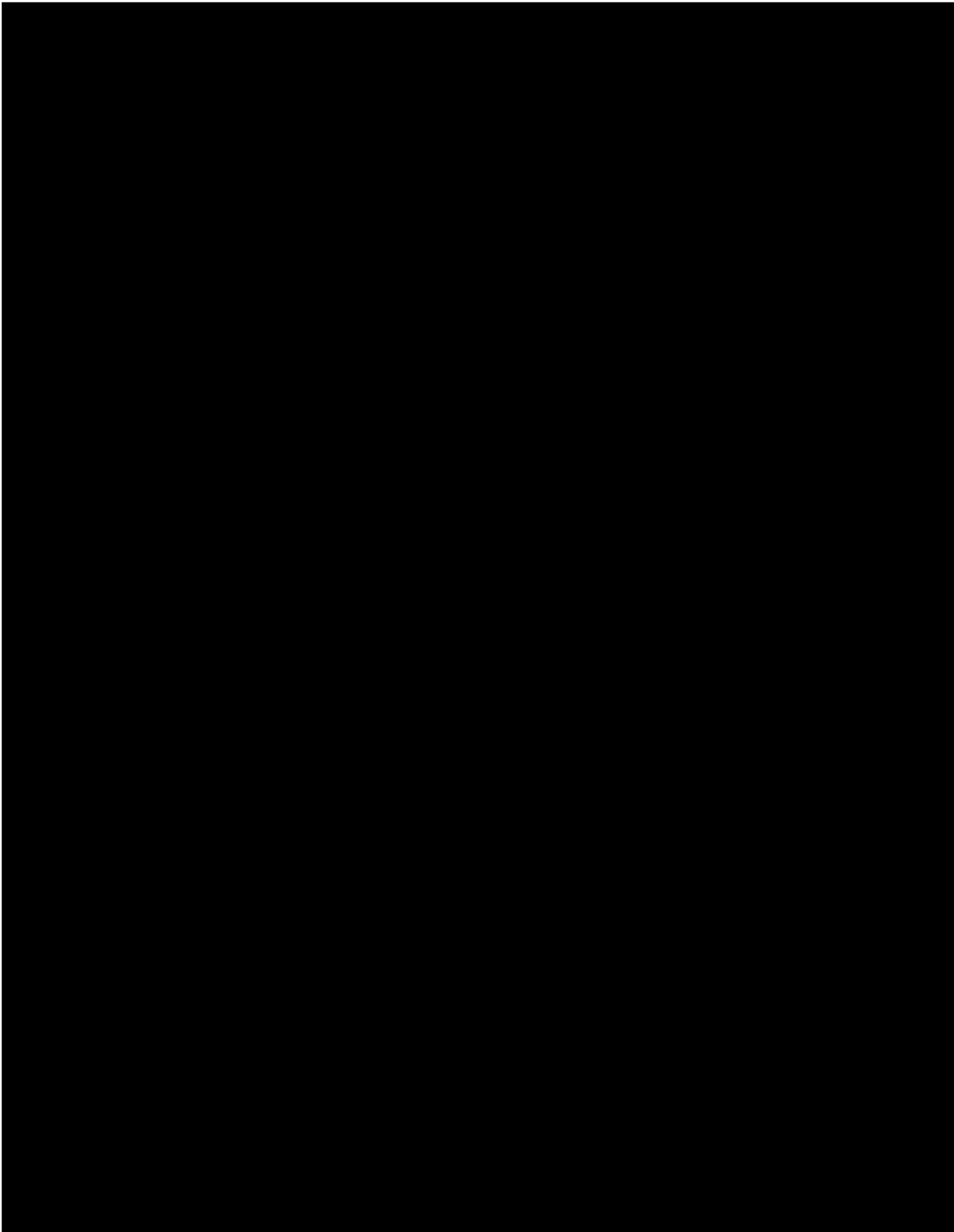


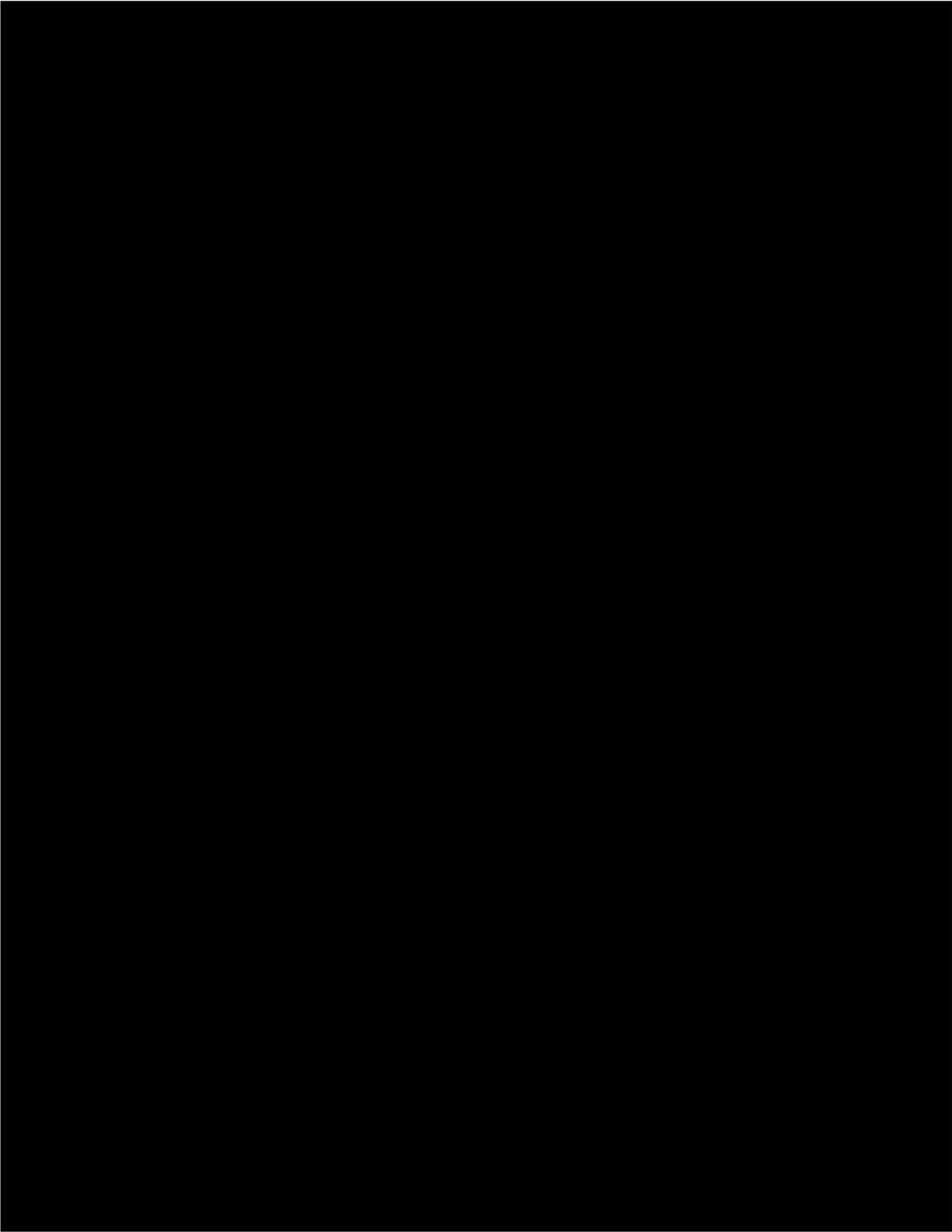


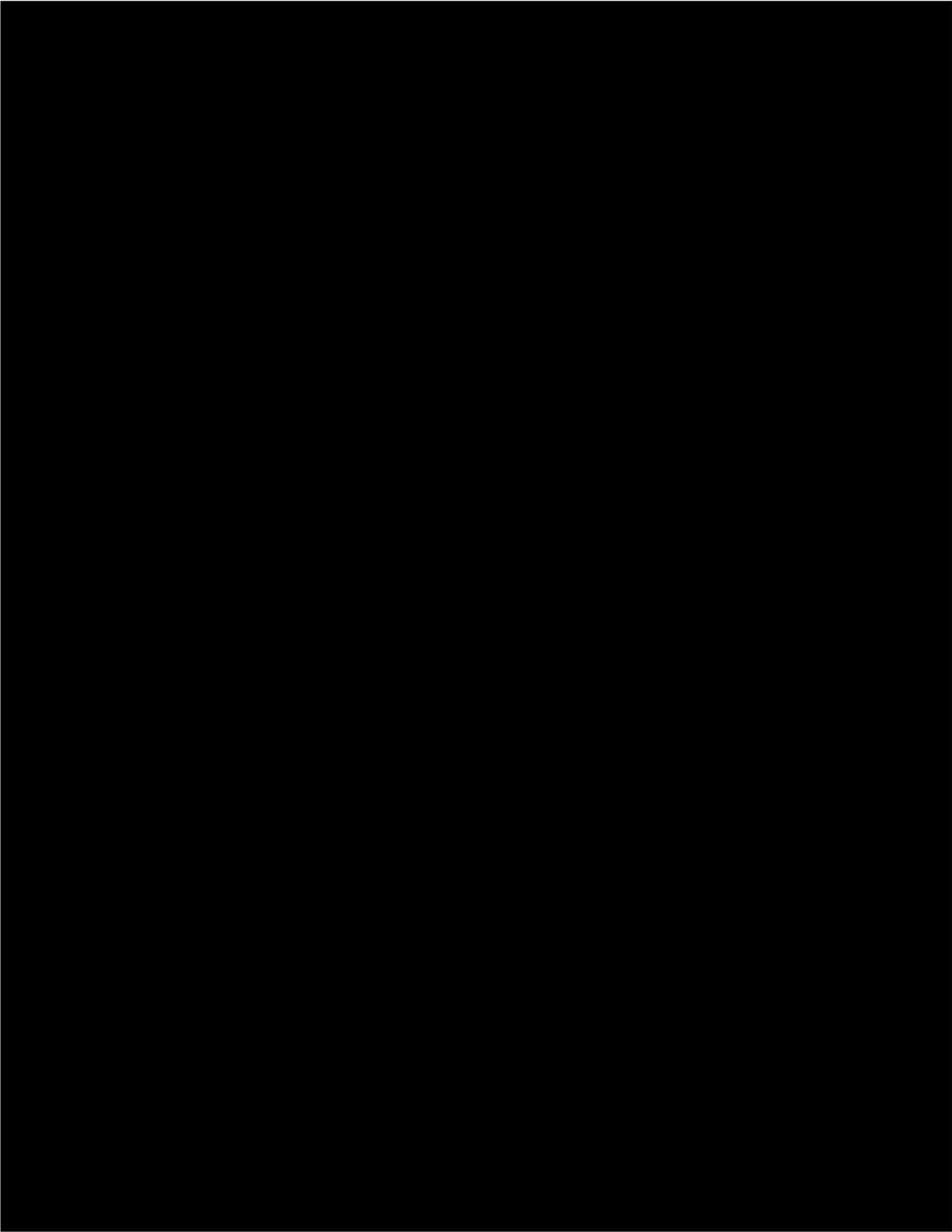




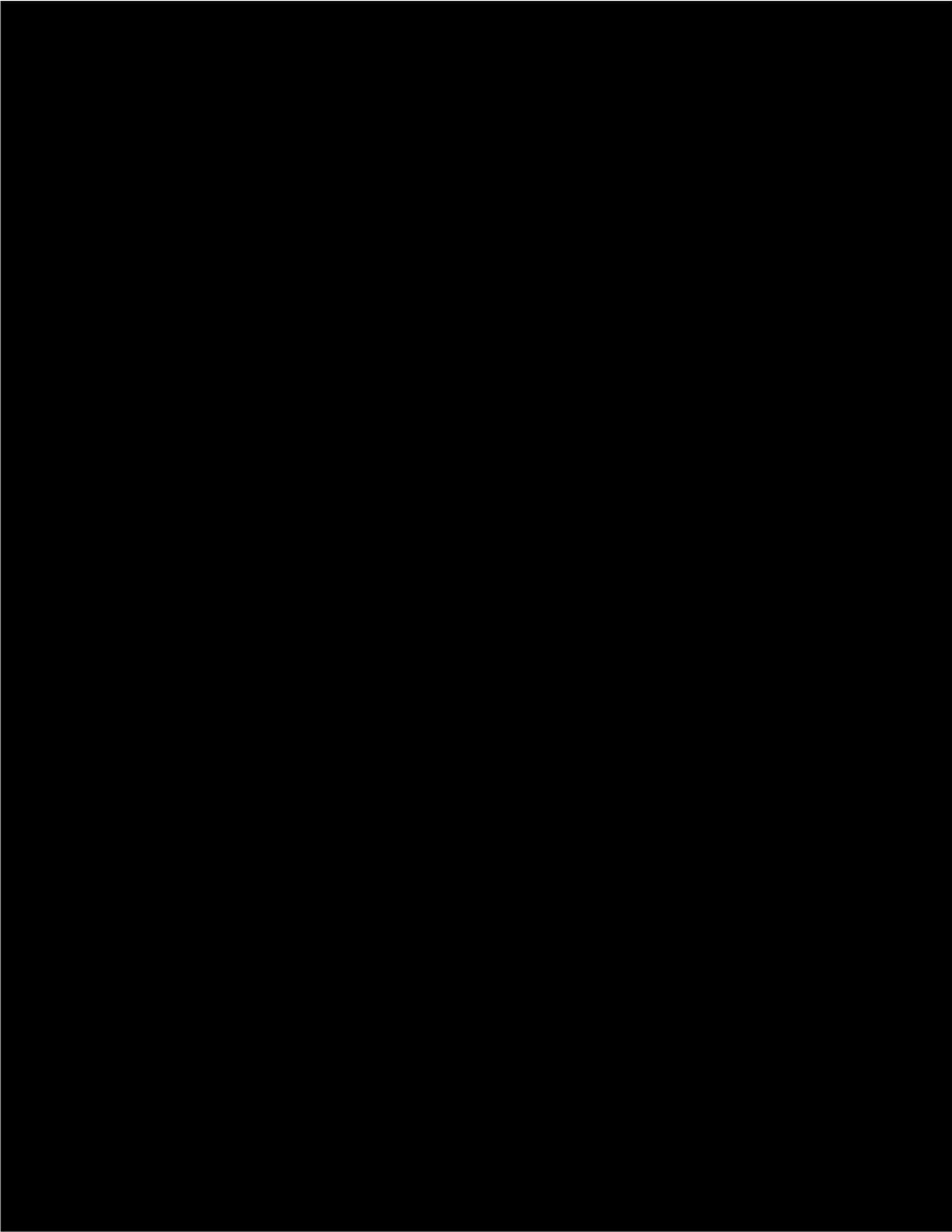


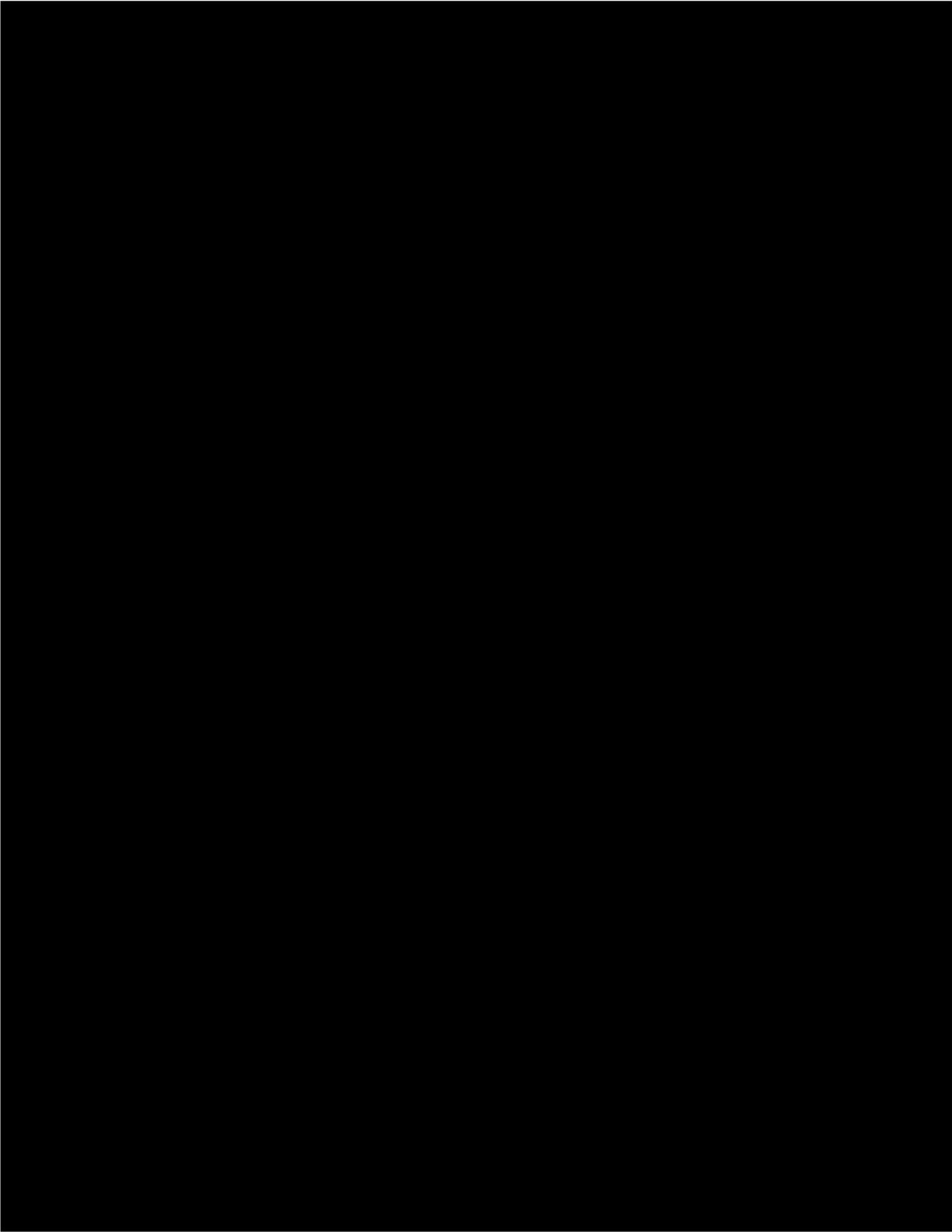


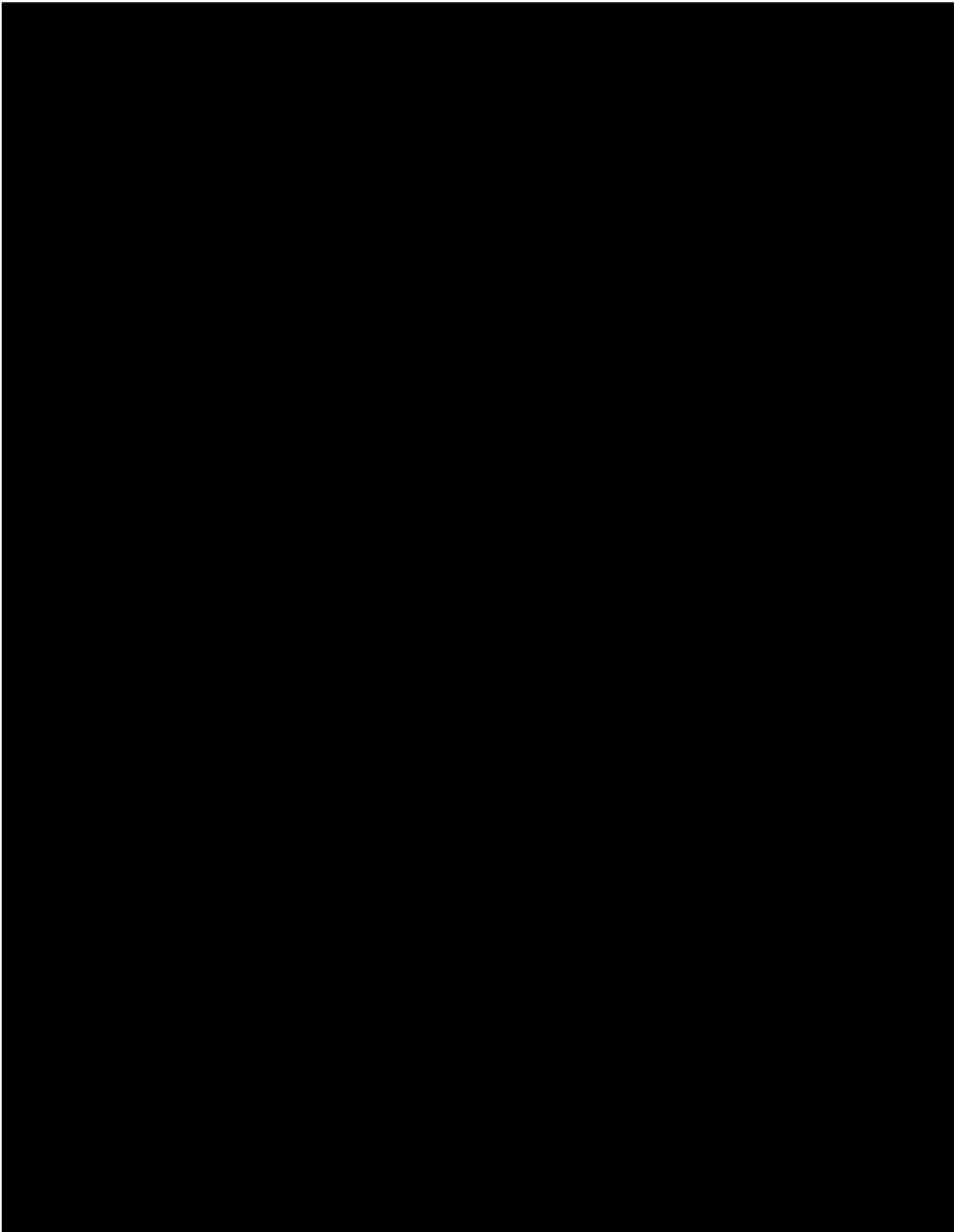


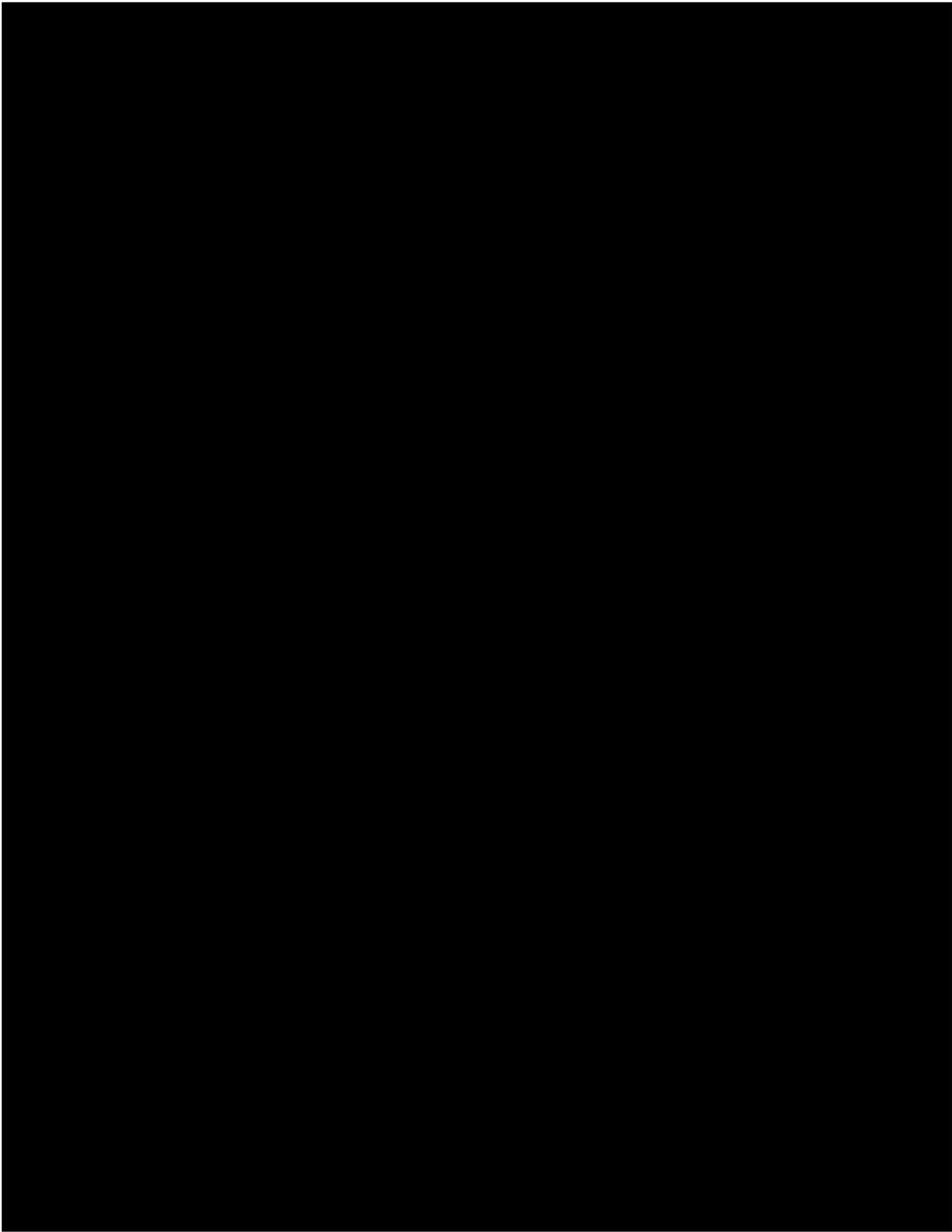












BEFORE THE ARKANSAS CLAIMS COMMISSION

BUDDY PATTERSON CLAIMANT

vs. CLAIM NO. 221005

ARKANSAS DEPARTMENT OF TRANSPORTATION RESPONDENT

APPEARANCES

ON BEHALF OF THE CLAIMANT:

Mr. Chris Heil
Taylor King Law
820 West Third Street
Little Rock, Arkansas 72201

ON BEHALF OF THE RESPONDENT:

Mr. Alexander C. Denker
Arkansas Department of Transportation, Legal Division
10324 Interstate 30
Little Rock, Arkansas 72209

ORAL DEPOSITION

OF

BUDDY PATTERSON

(Taken February 28th, 2024 at 10:17 a.m.)

WARNER REPORTING

294 OLD FERRY LANE
POCAHONTAS, ARKANSAS 72455
(870) 219-9814

INDEX

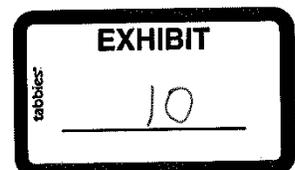
STYLE AND NUMBER	1
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CAPTION	4
WITNESS: Buddy Patterson	
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Examination Concluded	20
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EXHIBITS

(NONE IDENTIFIED)

CAPTION

ANSWERS AND ORAL DEPOSITION OF Buddy Patterson, a witness produced at the request of the Respondent, taken in the above-styled and numbered cause on the 28th day of February, 2024, before Marsha L. Bailey Warner, Arkansas Supreme Court Certified Court Reporter #641, at 10:17 a.m., at the Arkansas Department of Transportation Area Maintenance Office, 1525 East Main Street, Melbourne, Arkansas.



5

1 PROCEEDINGS
 2 THEREUPON,
 3 BUDDY PATTERSON,
 4 THE WITNESS HEREBEFORE NAMED,
 5 having been first duly cautioned and
 6 sworn by me to testify to the truth,
 7 the whole truth, and nothing but the
 8 truth, testified on his oath as
 9 follows, to-wit:
 10 EXAMINATION
 11 BY MR. DENKER:
 12 Q Good morning, sir.
 13 A Good morning.
 14 Q I introduced myself earlier, but for the record my name is
 15 Alex Denker. It's a very nice to meet you today.
 16 A Nice to meet you sir.
 17 Q Would you go ahead and state your full name for the record
 18 please?
 19 A My name is Buddy Patterson.
 20 Q Okay. And may I call you Buddy?
 21 A Sure.
 22 Q All right. And then like Mr. Heil did, I'm going to go
 23 over just a little bit of ground rules just so that we can help
 24 everybody out, okay?
 25 A Okay.

7

1 same time or anything like that or it makes it hard for her to
 2 hear. So I'll let you finish speaking and you let me finish,
 3 okay?
 4 A Yes, sir.
 5 Q And then, again, Mr. Heil said the uh-huh and uh-huh
 6 thing, so we always try to say yes or no. And if you forget,
 7 no problem at all. Either the court reporter, Mr. Heil or I
 8 will catch it and remind you to say yes or no, okay?
 9 A Yes, sir.
 10 Q All right. So let's go ahead and get in to my actual
 11 questions. Could we go ahead and get your date of birth?
 12 A [REDACTED]
 13 Q Okay. And are you from the area; did you grow up around
 14 here?
 15 A Yes, sir.
 16 Q Okay. Where did you grow up?
 17 A [REDACTED]
 18 Q Oh, okay. Yeah, you really are from the area. Was that,
 19 were you raised here, lived here all your life?
 20 A Yes, sir.
 21 Q And are you married?
 22 A No, sir.
 23 Q And no kids?
 24 A Yes, sir.
 25 Q And how many kids?

6

1 Q Have you ever been deposed before? Have you ever had your
 2 deposition taken?
 3 A Not that I recall.
 4 Q Okay. So I, I think Mr. Heil said it earlier, if you
 5 don't understand a question I ask you --
 6 A Uh-huh, uh-huh.
 7 Q -- just, just ask me and we'll muddle through it together,
 8 okay?
 9 A I'll take that back. My mother was in an accident and I
 10 had to give my testimony.
 11 Q Okay, so you testified at trial.
 12 A I, I didn't testify at trial, I just sat there and they,
 13 you said, take a deposition.
 14 Q Okay.
 15 A Yes.
 16 Q All right. So if for any reason you need a break just let
 17 me know and we will take that break.
 18 A Okay.
 19 Q But if I'm in the middle of a question or I'm waiting on
 20 an answer I'll ask you to answer it before we take that break,
 21 okay? But I don't think we're going to be here long enough to
 22 need one.
 23 A Okay.
 24 Q Yeah. Court reporter is here to help us today and I
 25 always try to do my best to help her. So we can't talk at the

8

1 A Three, sir.
 2 Q And what are their names and ages?
 3 A My Lord,
 4 Q I'm asking you difficult questions now.
 5 A Forrest, obviously Patterson, Cacia, C-A-C-I-A, Patterson
 6 her married name would be Woody, Chelsey, S-E-Y, Nuggett.
 7 Q Can you spell that one for me?
 8 A Just like Ted Nuggett.
 9 Q Okay.
 10 A There you go.
 11 Q I wanted to ask that, but, you know, and then how old are
 12 each of them?
 13 A They were born [REDACTED] those two girls.
 14 Q Twins?
 15 A Yes. He was born [REDACTED]
 16 Q Okay. You-all had your hands full there.
 17 A Absolutely, that makes grand kids.
 18 Q Yes, sir.
 19 A Thank you.
 20 Q And what do you do for work right now?
 21 A I'm currently employed with the Izard County Road
 22 Department here in Melbourne, Arkansas.
 23 Q And what do you do with them?
 24 A I run a particular, a special piece of equipment called
 25 a side arm brush cutter.

9

1 Q Okay, I got you.
 2 A There you go.
 3 Q How long have you been doing that?
 4 A About seven, eight years, probably.
 5 Q Oh, wow, okay. And then do you have, what's your highest
 6 level of education?
 7 A Got a GED and then I got a associates degree here at this
 8 college in Melbourne.
 9 Q Okay. Have you ever been arrested or convicted of a
 10 crime?
 11 A No, sir.
 12 Q No?
 13 A No, sir.
 14 Q No, okay. Military.
 15 A No, sir.
 16 Q Ever been involved in a car accident prior to this?
 17 A Yes.
 18 Q Okay. Tell me about that.
 19 A It's been decades ago.
 20 Q Okay. Just a little fender bender or was it, you know --
 21 A Yeah.
 22 Q -- Okay.
 23 A I, I was a passenger, trying to think.
 24 Q It's okay if you don't remember.
 25 A It's been decades.

11

1 A No, sir.
 2 Q I'm impressed.
 3 A Okay.
 4 Q I'm about to say, mine's a laundry list.
 5 A Oh, okay.
 6 Q So before this accident did you have any medical
 7 conditions going on?
 8 A No, sir.
 9 Q Okay. And did you have any injuries before the accident?
 10 A Have I had any injuries?
 11 Q Well like any injuries that would have effected your
 12 ability to drive on that day --
 13 A No, sir.
 14 Q -- that were not caused by that?
 15 A No, sir.
 16 Q All right, okay. Let's talk a little bit about your truck
 17 that you were driving on that day. What kind of truck was it?
 18 A It was a '98 Dodge.
 19 Q You remember how many miles it had on it?
 20 A Around upper sixties, 69, 70,000, maybe.
 21 Q Okay. And in good condition?
 22 A Yes.
 23 Q Okay. You remember when you got it?
 24 A Yes.
 25 Q Okay. When did you get that truck?

10

1 Q I don't remember yesterday, let alone decades ago.
 2 A Okay, decades.
 3 Q So did you have to file a lawsuit for that or anything?
 4 A No, sir.
 5 Q Okay. Have you ever filed a lawsuit before other than
 6 this?
 7 A I don't recall. I don't, yes.
 8 Q Okay. Well tell me about that.
 9 A From an accident is what your asking me?
 10 Q No, just any type of lawsuit. We don't have to get very
 11 specific about anything. I'm just trying to gauge your
 12 familiarity with the system.
 13 A It was a slip and fall.
 14 Q And it was a workers' comp claim is that --
 15 A No, it was a, whatever it is where you --
 16 Q Personal injury.
 17 A Personal injury, yeah.
 18 Q Yes, sir. When, do you remember when that was?
 19 A No, sir, I don't.
 20 Q Okay. Well I bet you I can find that for you --
 21 A Yeah.
 22 Q -- so don't worry about that. Has your driver's license
 23 ever been suspended?
 24 A No, sir.
 25 Q Okay, ever had a traffic ticket?

12

1 A I could give you about a day, but I've owned it for
 2 several years. I bought it off a personal friend.
 3 Q Okay. Like five years, ten years?
 4 A Yes. I, I can't recall, but I --
 5 Q Okay, no problem at all. You remember how much you
 6 bought it for?
 7 A Yes.
 8 Q Okay. How much was that?
 9 A I believe it was 3,000.
 10 Q And did anybody else drive the truck on a regular basis?
 11 A No, sir.
 12 Q No? Okay. You had insurance that day, right?
 13 A Yes, sir.
 14 Q Okay. Who was that insurance through?
 15 A State Farm here in Melbourne.
 16 Q Okay, yeah. And did you have full coverage or just
 17 liability on it?
 18 A Liability insurance.
 19 Q Liability? Okay.
 20 A Yes, sir.
 21 Q All right. And then I'm going turn a little bit towards
 22 the wreck. What day was that?
 23 A February 4th, been a little over two year.
 24 Q Yes, sir. You remember what day of the week that was? I
 25 don't know that it's important.

13

1 A No sir, I don't.
 2 Q Okay. And then what time of day was it?
 3 A Well, we was, I'm --
 4 Q Was it morning?
 5 A Yes, it was morning.
 6 Q Morning? Okay.
 7 A Four something.
 8 Q Yeah and --
 9 A They've got the timing on --
 10 Q Yeah, I'm trying to get your experience with everything.
 11 A Okay.
 12 Q So some of these questions will definitely be covered by a
 13 report or, or something that I can find out another way.
 14 A Sure.
 15 Q I just want to know what you think, okay?
 16 A Uh-huh.
 17 Q So where was, like, the wreck, like, exactly? Like, was,
 18 was it, it was on nine over here?
 19 A Yes, sir.
 20 Q Like about how far out of Melbourne was it?
 21 A I'm not a, I'm not sure of the mileage, sir.
 22 Q Okay. Yeah, all right. Would you explain what happened
 23 in, from your point of view?
 24 A Okay. Like it's, it's obvious it was snow and ice that
 25 morning going, headed into work. And Lance, I met, I didn't

15

1 A Yeah.
 2 Q So, all right, after all the dust settles and you realize
 3 you are alive, what happened next?
 4 A I, I don't know. We was all just kind of dumbfounded.
 5 Q Uh-huh.
 6 A And then Tony Watson pulled up and told us to get in the
 7 truck. We had to wait on the Arkansas State policemen. They
 8 was the only ones who could do the accident report for the
 9 state ARDOT. And so we waited there and then when he got there
 10 they give us a piece of paper to fill out about the accident.
 11 And the, the sirens and all kinds of stuff, but the paramedics
 12 came over and pulled me out of the truck and kind of give me
 13 the once over, you know. And I told them about that big thump
 14 on my back and I didn't feel like it was nothing at the time.
 15 But at any rate it, it swelled up a little bit so, we're taking
 16 care of it.
 17 Q Yeah, okay. So, so let's walk back right after the
 18 accident happened. In Mr. Gross's deposition, that you heard,
 19 you know, I think he kind of alluded to, you know, you kind of
 20 going to check on him and making sure he was okay.
 21 A Uh-huh, uh-huh.
 22 Q We asked Mr. Gross but was there anything else said
 23 between you and him at the time?
 24 A No.
 25 Q Okay. Were there any other witnesses?

14

1 know it was Lance, but I met Lance. And he came over that hill
 2 and the, the next thing I knew he was in my lane and things
 3 happened.
 4 Q Uh-huh, and I think we kind of narrowed it down to know
 5 that that snow plow might have skipped or, or somehow caused
 6 the truck to be shoved over into the lane. Did you see any of
 7 that happen? Did you see that snow plow do anything?
 8 A There was so much going on, Mister, with snow blowing and
 9 what have you, but --
 10 Q Yeah, okay I got you. Was there any other traffic out and
 11 about that morning?
 12 A Very little, sir.
 13 Q Little? Okay. And then so if I remember correctly that
 14 road has a curve right there so one of you-all was coming out
 15 of that curve. Do you remember how far away whenever you first
 16 saw that truck was?
 17 A No, sir.
 18 Q Okay. And then what, what part of the vehicles actually
 19 collided? Because, I mean, it looks to be fairly head-on, but
 20 I think there's kind of some swiveling after the fact. So what
 21 part of your truck actually collided with --
 22 A My front end met his snow plow.
 23 Q Okay.
 24 A And after that I --
 25 Q Understandable, yeah.

16

1 A No.
 2 Q Okay. And then who actually notified the police?
 3 A I don't know, sir, but my guess is once Lance called the
 4 supervisor here he called the necessary.
 5 Q Yeah, and then so you said Arkansas State Police
 6 responded?
 7 A Yes.
 8 Q An ambulance responded?
 9 A Yes.
 10 Q Did fire or fire rescue?
 11 A Yes.
 12 Q Okay. And then I think you said you got the once over
 13 from the ambulance, the paramedics ambulance?
 14 A Yes, sir.
 15 Q Neither you nor Mr. Gross went, took an ambulance ride
 16 anywhere, right?
 17 A No, sir.
 18 Q Okay. And then so this road, how often do you travel that
 19 road before this incident?
 20 A Four days a week.
 21 Q Yeah, so you're very familiar with the area.
 22 A Yes, sir.
 23 Q Okay. And this is always a little bit of a weird
 24 question, but what did you do the day before?
 25 A I don't remember what day that was, sir.

17

1 Q It would have been February 3rd.
 2 A I understand, yeah.
 3 Q So you don't remember doing anything out of the ordinary?
 4 Went to bed at a normal hour?
 5 A Yes.
 6 Q Okay. And then did you have anything to drink in that
 7 twenty-four hours period prior?
 8 A Don't drink, smoke, or do drugs, sir.
 9 Q Yes, sir. And then --
 10 A No is the answer to your question.
 11 Q -- yeah.
 12 A No.
 13 Q Did you wear a seatbelt?
 14 A Yes, sir.
 15 Q Did all of your air bags deploy?
 16 A I know the steering wheel did.
 17 Q Yes, sir.
 18 A Yes, sir.
 19 Q I wasn't sure that model truck had any other air bags
 20 other than the steering wheel.
 21 A Uh-huh.
 22 Q Okay. Did you take any photos of the accident?
 23 A Yes.
 24 Q Okay. And, and who has those photos now?
 25 A I shared them with Mr. Chris.

19

1 Q Okay. Do you remember who that was towed by?
 2 A Yes, sir, I do.
 3 Q What, who was that?
 4 A Skeeter Beene here in Melbourne.
 5 Q And --
 6 A Beene, B-E-E-N-E.
 7 Q Oh, okay, thank you, sir. Does he have a yard that it was
 8 towed too?
 9 A Yes, sir.
 10 Q Under the same name?
 11 A Yes, sir.
 12 Q Okay and then did you stay around to see it towed off?
 13 A No, sir.
 14 Q Where did you go?
 15 A I left there with my co-workers. I went to the county
 16 yard where I work.
 17 Q Okay. Who was that co-worker that picked you up?
 18 A Shane Dailey.
 19 Q D-A-I-L-Y.
 20 A I'm guessing, yes.
 21 Q Okay. And then where, where is your truck right now? You
 22 said you still have it; is it at your house?
 23 A Yes.
 24 Q Okay. And then I know we talked about the lump on your
 25 back.

18

1 Q Okay, all right. And there was obviously some damage to
 2 your truck, to say the least.
 3 A Yes.
 4 Q What was the extent of those damages?
 5 A I don't know sir.
 6 Q Okay. What all --
 7 A I'm assuming it's totaled but I'm not a body guy or --
 8 Q Okay. Have you, do you have the truck now?
 9 A Yes.
 10 Q Okay. Is it running or is it still --
 11 A No, sir.
 12 Q Why haven't you had an insurance adjuster come out and
 13 look at it?
 14 A Why haven't I?
 15 Q Yes.
 16 A That's a good question.
 17 Q Okay. I think I realized my answer to my own question
 18 half way through asking it, and that was the hesitation.
 19 A Okay.
 20 Q You only have liability on that vehicle, correct?
 21 A Yes.
 22 Q Okay. All right, but not driveable?
 23 A No, sir.
 24 Q Was it towed?
 25 A Yes, sir.

20

1 A Yeah.
 2 Q Did you have any other injuries?
 3 A None other than that.
 4 Q Okay. Go ahead and explain the lump on your back.
 5 A Well, it got to aggravating me, thumped up pretty bad. I
 6 went up to the, thought I might just throwed [sic] something
 7 out. Went to the chiropractor, he took x-rays and whatever
 8 they do and he's been treating me keeping me working anyway.
 9 Q How often do you see --
 10 A Once a week.
 11 Q And what's the name of that chiropractor?
 12 A McClain Chiropractic.
 13 Q Did you miss any time from work or anything like that?
 14 A I took some vacation days, but I'm --
 15 Q Okay. Is there anything else that you want us to know or
 16 anything you want to talk about today.
 17 A No, sir.
 18 Q Okay.

19 MR. DENKER: You definitely are a man of few words so
 20 that's all I have for you. I'll pass the witness.

21 MR. HEIL: I have no questions.

22 (THEREUPON, the proceedings in the matter were
 23 concluded at 10:36 a.m.)

24 (WITNESS EXCUSED)

25 * * * * *

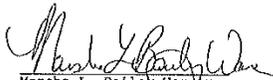
CERTIFICATE

STATE OF ARKANSAS)
) ss
COUNTY OF RANDOLPH)

I, MARSHA L. BAILEY WARNER, Certified Court Reporter #641 and Notary Public, do hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of the voice-writing method and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 22nd day of March, 2024.



Marsha L. Bailey Warner
Certified Court Reporter #641
My Commission Expires: August 22, 2033

Marsha L. Bailey Warner
Certification #641
Arkansas Supreme Court
Certified Court Reporter

BEFORE THE ARKANSAS CLAIMS COMMISSION

BUDDY PATTERSON CLAIMANT

vs. CLAIM NO. 221005

ARKANSAS DEPARTMENT OF TRANSPORTATION RESPONDENT

APPEARANCES

ON BEHALF OF THE CLAIMANT:

Mr. Chris Heil
Taylor King Law
820 West Third Street
Little Rock, Arkansas 72201

ON BEHALF OF THE RESPONDENT:

Mr. Alexander C. Denker
Arkansas Department of Transportation, Legal Division
10324 Interstate 30
Little Rock, Arkansas 72209

ALSO PRESENT: Mr. Buddy Patterson

ORAL DEPOSITION

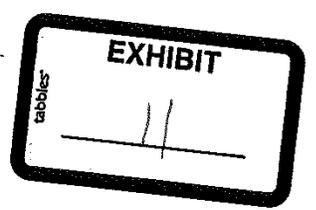
OF

LANCE GROSS

(Taken February 28th, 2024 at 9:55 a.m.)

WARNER REPORTING

294 OLD FERRY LANE
FOCAHONTAS, ARKANSAS 72455
(870) 219-9814



INDEX

CAPTION

STYLE AND NUMBER	1	ANSWERS AND ORAL DEPOSITION OF Lance Gross, a witness
APPEARANCES	2	produced at the request of the Claimant, taken in the above-
CAPTION	4	styled and numbered cause on the 28th day of February, 2024,
WITNESS: Lance Gross		before Marsha L. Bailey Warner, Arkansas Supreme Court
Examination by Mr. Heil	5	Certified Court Reporter #641, at 9:55 a.m., at the Arkansas
Examination Concluded	22	Department of Transportation Area Maintenance Office, 1525 East
COURT REPORTER'S CERTIFICATE	23	Main Street, Melbourne, Arkansas.

* * * * *

* * * * *

EXHIBITS

EXHIBIT 1 - Color photo of Dodge Ram passenger side, 1-page	16
EXHIBIT 2 - Color photo of front of plow truck, 1-page	16
EXHIBIT 3 - Color photo of Dodge Ram passenger side and front of plow truck, 1-page	17
EXHIBIT 4 - Color photo of Dodge Ram passenger side and plow truck, 1-page	18
EXHIBIT 5 - Color photo of scene of wreck, 1-page . .	19
EXHIBIT 6 - Color photo of driver's side of Dodge Ram and passenger side of plow truck, 1-page	19

* * * * *

1 PROCEEDINGS
2 THEREUPON,
3 LANCE GROSS,
4 THE WITNESS HEREINBEFORE NAMED,
5 having been first duly cautioned and
6 sworn by me to testify to the truth,
7 the whole truth, and nothing but the
8 truth, testified on his oath as
9 follows, to-wit:
10 EXAMINATION
11 BY MR. HEIL:
12 Q Okay. Mr. Gross even though you and I have met I need you
13 to tell me your name so she can put it on the record.
14 A Lance Gross.
15 Q Okay. And do you still live in the, in the same address
16 that you did at the time of this incident?
17 A Yes.
18 Q Okay. And you're still working for the highway
19 department.
20 A No.
21 Q No?
22 A Huh-uh.
23 Q Where, where you working now?
24 A Izard County road department.
25 Q Oh, okay, that's right because that's where Mr. Patterson

1 works.
2 A Uh-huh.
3 Q Matter of oh, one of the rules about a deposition in
4 addition to telling the truth is, so she can take this down, if
5 you mean yes or no please say yes or no.
6 A Uh-huh, yes.
7 Q And because if you say uh-huh or huh-uh or nod your head,
8 shake your head, I know what your saying --
9 A Yeah.
10 Q -- but she can't write it down.
11 A Yes, yes.
12 Q And if I say is that a yes or is that a no, I'm not trying
13 to be rude. I'm trying to make sure we know what you said,
14 okay?
15 A Yes.
16 Q All right, good. You're doing good.
17 A I'm just use to being at home but anyway.
18 Q I know, people are not use to doing this. And it's a
19 weird thing to talk to somebody with somebody writing it all
20 down so it's a little bit more formal.
21 A Yes.
22 Q But I want you to feel comfortable, so we're not going
23 to be here very long. But if at any point in time you want to
24 take a break, you need to go to the bathroom, whatever, you let
25 me know and we will take a break, okay?

7

1 A Yes.

2 Q All right. The next thing is, if I ask you a question
3 that you don't understand, and that's entirely possible because
4 my mouth will get ahead of my brain or vice versa, I need you
5 to speak up and let me know so I can fix the question so you
6 understand what I'm asking.

7 A Yes.

8 Q Okay. And one of the things I'm going to rely on is what
9 you tell me. And so I, I need to make sure that if you a
10 answer a question, can I assume that you understood it before
11 you answered it?

12 A Yes.

13 Q Is that fair?

14 A Yes.

15 Q Okay.

16 A Now I got one question.

17 Q Yeah.

18 A If you, if you're asking me yes and no questions, if
19 there's something I want to add.

20 Q Yeah, go ahead.

21 A Okay.

22 Q Yeah, this is not like, so like I said, this is kind of
23 formal, but it's informal. It's not like a courtroom. He's
24 not going to be objecting and jumping up and down and doing all
25 that crazy stuff. This is how we find out what people know

8

1 about an incident. And they're under oath so we know what
2 they'll say in court now.

3 A Yes.

4 Q Okay. It's how we prepare for cases. And so if I ask
5 you a question and you can answer it just yes or no, that's
6 fine. If you need to say yes but, that's fine too, okay?

7 A Yes.

8 Q I want to know what you want to tell me and what, what
9 might, the answers are to my questions and that's it.

10 A Yes.

11 Q All right. Did you, other than maybe talking to Alex,
12 did you talk to anyone at the highway department about this
13 incident before you came here for this deposition? In other
14 words, somebody, another employee or something like that?

15 A No, I have not talked to anybody. I didn't even, I asked
16 Buddy if he got the same letter as I did.

17 Q Yes.

18 A And that's all we even said at work.

19 Q Okay. Yeah, and that would be my next question. I know
20 you and Buddy talked at the scene because that's what people
21 do.

22 A Yes.

23 Q We'll talk about that. And I know you two work together
24 now, but have you two discussed this incident while, since the
25 day it happened?

1 A No.
2 Q Okay.
3 MR. DENKER: I think, Chris, if I can pause right
4 quick, we don't represent Mr. Gross.
5 MR. HEIL: Yeah, I know.
6 MR. DENKER: I just wanted to make sure.
7 MR. HEIL: No, I get it.
8 MR. DENKER: Okay.
9 MR. HEIL: It's just for my purposes I'm going to
10 just assume if you talked to him, I don't want to know
11 what you-all said, it's fine.
12 A The only thing said before you-all got here he introduced
13 himself to me and I introduced him and I sat in the corner.
14 Q (By Mr. Heil) Okay. Well, and I met with him and I don't
15 mind telling you I told him to tell the truth and make sure he
16 understands the questions and that's it.
17 A Yes.
18 Q So this happened February 4th of '22 about, almost two
19 years ago to the day.
20 A Yes.
21 Q I'm going by the police report; does that sound right?
22 A Yes, yes.
23 Q All right. And you were driving a highway department
24 truck with a snow plow on the front?
25 A Snowplow and a full load of salt.

1 Q Okay. Were you salting and plowing at the same time or
2 just doing one?
3 A At the time of day that this incident happened, the sun
4 was not up. It was barely breaking daylight and stuff so we
5 was informed do not put no salt out until the sun came up.
6 Q Okay.
7 A We was, we was running our plows to try and take off what
8 we could at the time.
9 Q And did you start at this facility here in Melbourne.
10 A Yes.
11 Q Okay. And I know you're on Highway 9 when this
12 happened. So did you go east on Main Street here and then go
13 north on Highway 9?
14 A I pulled out of here and I went toward Sherwood Place, I'm
15 not good with my directions. So, anyway, I went toward
16 Sherwood Place and then headed toward Brockwell.
17 Q Okay, all right. So you were heading away from Melbourne
18 at the time?
19 A Yes.
20 Q And where this happened, as I understand it, you would
21 have had to kind of come around a bend and then it straightens
22 out for a while and there's a couple of houses and that's --
23 A Yes.
24 Q -- does that sound right?
25 A Yes.

11

1 Q Okay. And when you came around that bend right before
2 where this happened, were you actively plowing at that time or
3 did you start after that or how did that work?
4 A As soon as I pulled out of here my plow went down.
5 Q Okay. And they don't teach much about snow plowing in
6 law school so I'm going to ask you some really basic questions
7 about that. The, my understanding is that the snow plow,
8 there's a way, sometimes it, there's a way to prevent it from
9 skipping or grabbing on the road; is that right?
10 A No.
11 Q No? Okay. Is there a way to control the vehicle once it
12 it hits something or grabs something on the road?
13 A Prior to this they had always told us if it ever grabbed
14 and the plow tripped --
15 Q Okay.
16 A -- that it would shoot you to the other lane.
17 Q Okay. Was there any --
18 A Well --
19 Q Go ahead.
20 A -- I had run different plows. I was with the highway
21 department seven years and in that seven years I'd run three or
22 four different plow trucks. Okay, one plow truck had a brand
23 new plow on front. And there's a spring about, I don't know,
24 four inches around or so and probably two, two and a half foot
25 long that keeps that plow up. Okay? That brand new plow never

12

1 tripped with me. These older plows they've got, the springs
2 are weak and it, I think that was a lot of the reason why it
3 tripped. And when it tripped it shot me to the other lane.
4 Q Did you ever ask that you get one of the new plows on your
5 truck so you could drive with that instead of the older one?
6 A My seven years with the department, it wouldn't have done
7 no good.
8 Q Okay.
9 A And there's also another deal that could, could have saved
10 all this from happening. And there's a few plows, I don't know
11 if they still got them out here but they've got a hook welded
12 on them --
13 Q Uh-huh.
14 A -- like on the end of a chain. They've got a hook welded
15 up there and they got a piece of chain back there welded on
16 them and you can chain them plows. But it come, at that time
17 it come from the boss at Batesville, which was Lyndal Waits,
18 and he said if your caught chaining these plows, your fired.
19 Q And what, in your opinion having driven for seven years,
20 would chaining that plow help, help prevent what happened here?
21 A Yes, it would have.
22 Q Okay.
23 A Because the plow would not have tripped over and I would
24 not have went into the lane with him coming toward me.
25 Q Okay. And of course State Highway 9, that's one of

13

1 those real tight, two lane roads. There's no shoulder, not
2 much of a shoulder on either side is there?
3 A No, not in this particular spot.
4 Q Okay.
5 A And you know also, it was brought to my attention later
6 on, I was running twenty four miles an hour. Which I
7 understand that truck had a lot of weight behind it, but if
8 that plow wouldn't have tripped, there wouldn't have never been
9 nothing happened.
10 Q Okay. And so when the when the plow tripped I assume
11 it jerked the wheel to the left; is that what happened?
12 A It didn't actually jerk the wheel to the left. It was
13 pretty much a solid sheet of ice that morning, but when it, the
14 plow is angled like this so it will throw stuff off the road.
15 When it tripped, I don't know exactly how it does it, but I
16 guess it just shoots you to the other lane.
17 Q Okay.
18 A There was one or two others, not in this county but in
19 district five, which is like nine counties up here, that done
20 the same thing that same week.
21 Q Okay.
22 A But them the two or three others was not, they was lucky
23 enough and did not hit another vehicle.
24 Q Okay. So when your's tripped and you, when, I mean, how,
25 how quickly after it tripped did it slide across the road?

14

1 A It pretty much done it immediately.
2 Q And of course Mr. Patterson was coming from the other
3 direction?
4 A Yes.
5 Q And in your opinion did he have enough time to react to
6 you coming across to avoid you, avoid this happening?
7 A No, no he did not.
8 Q Tell me about the impact, what happened when you-all
9 impacted, as you remember?
10 A I was in total shock because I didn't know if somebody was
11 dead, if I was hurt. I wasn't really worried about me being
12 hurt and, because I knew I was in a big truck. And I did know
13 that the other truck was a smaller truck. I was afraid that he
14 was under the plow. I had no idea --
15 Q Okay.
16 A -- until I heard him hollering, get out of the truck. And
17 it took me just a minute to, to kind of gather my senses and
18 stuff and I got out of the truck and stuff. And when I got to
19 the passenger's side of my plow truck I opened the door and I
20 found my phone in there and I called my boss, the AMS that's
21 here. And I, I'll just be honest with you I was just darn near
22 in tears.
23 Q You were what?
24 A I was almost in tears --
25 Q Okay.

15

1 A -- even though I knew he was all right, but it, if you
2 would have seen it, it was a bad deal.
3 Q Well, we got the pictures here.
4 A Yes
5 Q This looks like it's already been hooked up to a wrecker?
6 A Well, that's where they're in the process of getting it
7 apart.
8 Q Okay.
9 A Yes.
10 Q But these were taken by the police officer. Is that kind
11 of what it looked like at the time of the --
12 A Yes.
13 Q Okay. And were you injured at all?
14 A No, nope.
15 Q And I know you were in a multi-ton vehicle. How many ton
16 vehicle is that, do you know?
17 A I don't, I have no idea. I don't even know how to guess
18 that.
19 Q I can look it up, it's no big deal.
20 A Yeah.
21 Q What did the impact feel like to you inside your truck?
22 A If I wouldn't have had the seat belt on, I felt like the
23 steering wheel may have kept me from going through the
24 windshield, if it would have come to that, but I don't know.
25 It, everything went, happened so fast, that --

16

1 Q Sure. So it sounds to me like you came to a stop really
2 quick, like a jolting stop?
3 A Yes.
4 Q I know it was snowy and icy on the road at that time, but
5 do you have any idea if Mr. Patterson was going too fast for
6 conditions or did he seem to be going a good speed for road
7 conditions?
8 A From what I seen, he was barely even moving.
9 Q Okay.
10 A And if you had different pictures you would see where that
11 plow had tripped over and where his front wheels come up, come
12 up on the plow, it bent the angle iron.
13 Q I'm going to mark these two I'm showing you the ones that
14 the officer --
15 A Yes.
16 Q -- took where they are hooking it up as Exhibits 1 and 2.
17 (WHEREUPON, the document was marked for purposes of
18 identification as Exhibit 1 and 2 is attached hereto.)
19 Q I've got some other pictures here that I'm going to just
20 kind of leaf through and you tell me which one, if any one of
21 them, helps tell the story.
22 A Okay. You see that indentation right there and that right
23 there?
24 Q Yeah.
25 A That is where that plow had tripped over and, and the top

17

1 of the plow right here was just darn near would be level with
2 the ground, and that's where his truck come up on it.
3 Q Okay. I just kind of circled where you pointed to those
4 dents.
5 A Yes, and, you know, if you go out here and look where this
6 happened. Right here if he would have went this way --
7 Q Yeah.
8 A -- or if I would have went another six feet over, I would
9 have rolled the truck. He probably would have rolled his truck
10 and stuff like that.
11 Q Yeah, it's a pretty good drop off.
12 A Yes, yes.
13 Q Okay. This will be Exhibit 3.
14 (WHEREUPON, the document was marked for purposes of
15 identification as Exhibit 3 and is attached hereto.)
16 A If it would have been ten foot further back toward
17 Brockwell or twenty, yeah, he probably could have got out of
18 the way, but, you know, he was in harms, harms way no matter
19 what.
20 Q Right.
21 A It could have been a lot worse that what it ended up
22 being.
23 Q Well, that's why you two gentlemen both sitting here
24 today.
25 A Yeah.

18

1 Q I want to show you this picture. Does this help you
2 describe the scene at all?
3 A I can still pretty much replay everything in my mind --
4 Q Well, I --
5 A -- cause it --
6 Q -- sorry to interrupt.
7 A -- no, it was a bad deal and that's just something you
8 don't forget.
9 Q Does this look like it was taken before the wrecker did
10 any movement on it?
11 A Yes, that was.
12 Q All right, we'll mark that as Exhibit 4.
13 (WHEREUPON, the document was marked for purposes of
14 identification as Exhibit 4 and is attached hereto.)
15 Q And is there anything that's shown in this picture that
16 you want to tell me about that's important?
17 A No, you can see after it, after he come up on my plow,
18 when my truck hit his and his come up on the plow, then there
19 was ice and stuff on the ground. And the back end of his truck
20 either slid around or mine pushed it around, I don't know.
21 Q Okay.
22 A And, you know, the last I knew this truck was still, this
23 plow truck was still sitting down there on the lot at
24 Batesville.
25 Q Okay.

19

1 A If they ain't done nothing with it.
2 Q And this looks like a far away picture of the scene.
3 A Yes.
4 Q Okay. I'm going to mark that. And is that what it looked
5 like before anybody started messing with the vehicles?
6 A Yes.
7 Q We'll call that Exhibit 5.
8 (WHEREUPON, the document was marked for purposes of
9 identification as Exhibit 5 and is attached hereto.)
10 A We couldn't move nothing. We did not move nothing.
11 Q And here's probably the best picture of the two vehicles
12 in their entirety. Is that what it looked like from that side
13 angle?
14 A Yes.
15 Q All right. That will be Exhibit 6.
16 (WHEREUPON, the document was marked for purposes of
17 identification as Exhibit 6 and is attached hereto.)
18 (WHEREUPON, after an off-the-record discussion, the
19 proceedings resumed as follows, to-wit:)
20 Q (By Mr. Heil) Okay. This is an unusual question because
21 we lawyers like to ask specific questions; but is there
22 anything else about this accident that, well, that I haven't
23 asked you about yet that you want to tell me? Maybe you wanted
24 to say things.
25 A No.

20

1 Q Okay. Out at the scene did you and Buddy have any
2 conversations that you recall?
3 A No. Not, not that, as far as conversations. Now I made
4 sure he was all right and he was worried about me being all
5 right. And then, to be honest with you, you see what the
6 weather was like?
7 Q Yes.
8 A He was wearing the same, what he's got on right now, short
9 sleeve shirts and everything. Well I had overalls in the truck
10 and I put them on. And when Tony Watson, our AMS, got out
11 there, then Tony told Buddy to get in the truck, in his state
12 truck. And I got in the state truck. And we just sat there
13 and I think we was both still too shook up to just really say a
14 whole lot.
15 Q Okay. Buddy's nodding his head, that's what he remembers.
16 And I kind of expect people ask if their okay.
17 A Yeah, yeah.
18 Q What I'm looking for is some times after a collision, when
19 we get in a courtroom you probably heard the statement or the
20 phrase from TV, anything you say can and will be used against
21 you in a court of law?
22 A Yes.
23 Q Well the same applies in a civil situation here. And I
24 always like to know what my client said out at the scene so
25 that I don't get surprised that he said something stupid or you

1 know.
 2 A No.
 3 Q Anything like that.
 4 A I will be honest with you, there was no harsh words
 5 towards each other or nothing and stuff.
 6 Q Okay.
 7 A And I know they don't know, but Buddy is a man of few
 8 words.
 9 Q I do know that and they will find out here in a minute.
 10 Okay, I appreciate you coming in.
 11 MR. HEIL: I don't have any further questions that I
 12 can think of. And I think Alex may have a question or two
 13 I don't know.
 14 MR. DENKER: Nope, I got nothing.
 15 MR. HEIL: Okay.
 16 MR. DENKER: So you had it easy today.
 17 MR. HEIL: Yeah.
 18 THE WITNESS: No, I've got to go back and drive a dump
 19 truck.
 20 MR. DENKER: Oh, not the rest of your day.
 21 MR. HEIL: It was nice to meet you. Thanks for coming
 22 in.
 23 THE WITNESS: Yeah, you too. And, like I said, if
 24 they'll chain those plows or if they'll go through and get
 25 these old plows out of here and put in, get some better

1 plows or maybe go in and rebuild some of them, it won't,
 2 stuff like this won't happen near as often.
 3 MR. HEIL: All right, I love to hear it. Thank you
 4 very much, take care.
 5 MR. DENKER: And nice to meet you.
 6 THE WITNESS: You too.
 7 (THEREUPON, the proceedings in the matter were
 8 concluded at 10:14 a.m.)
 9 (WITNESS EXCUSED)
 10 * * * * *
 11
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 24
 25

CERTIFICATE

STATE OF ARKANSAS)
) ss
COUNTY OF RANDOLPH)

I, MARSHA L. BAILEY WARNER, Certified Court Reporter #641 and Notary Public, do hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of the voice-writing method and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 22nd day of March, 2024.


Marsha L. Bailey Warner
Certified Court Reporter #641
My Commission Expires: August 22, 2033

Marsha L. Bailey Warner
Certification #641
Arkansas Supreme Court
Certified Court Reporter

From: [Chris Heil](#)
To: [ASCC Pleadings](#)
Cc: [Kathryn Irby](#)
Subject: Patterson v. ARDOT (#2)
Date: Friday, April 19, 2024 9:06:23 AM
Attachments: [Exhibit 12 \(1\).pdf](#)
[Exhibit 13 \(1\).pdf](#)
[Exhibit 14 \(2\).pdf](#)
[Exhibit 14 \(1\).pdf](#)
[Exhibit 15.pdf](#)

Further Exhibits attached:

Sincerely,
Chris Heil

Chris Heil | Attorney

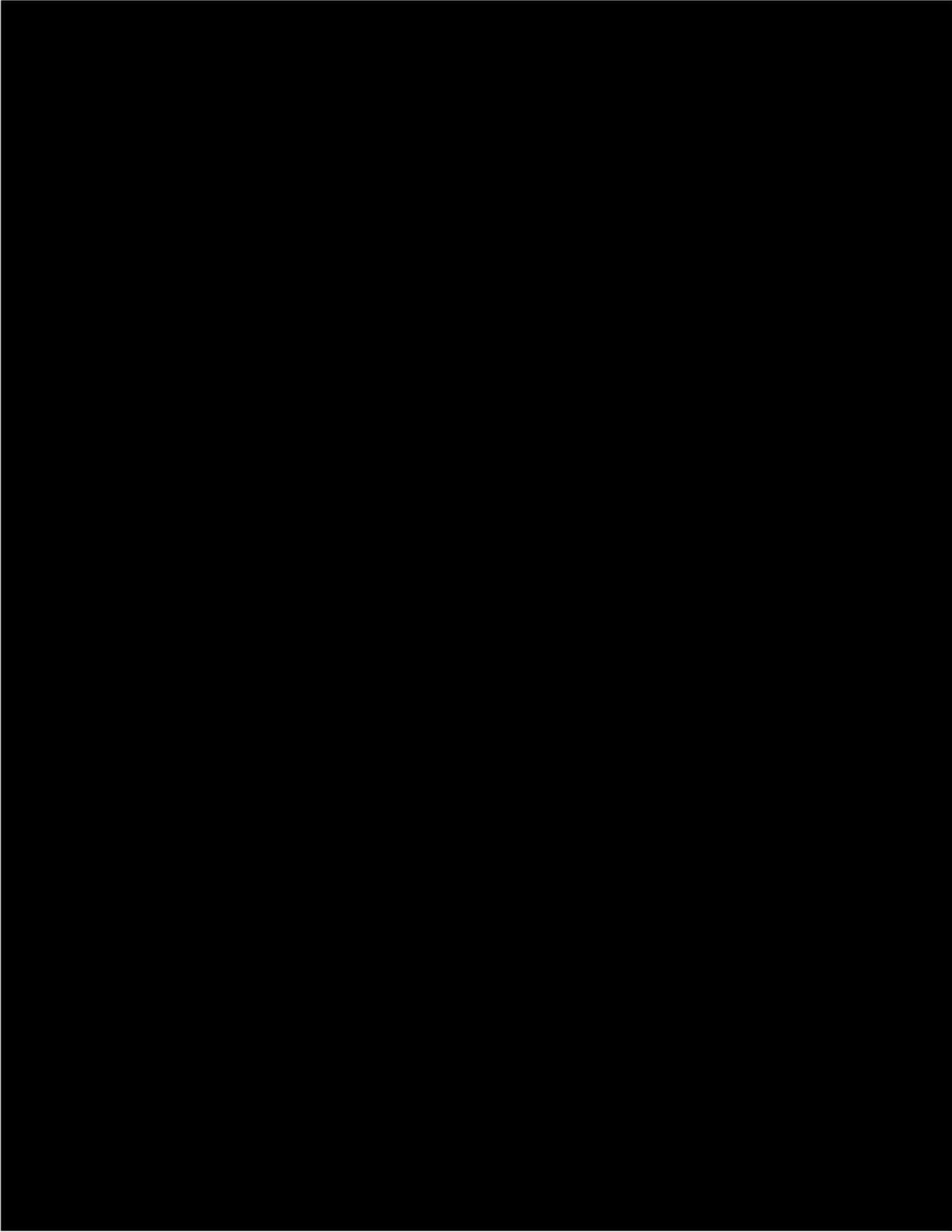
Phone: (501) 400-0572
Email: chrisheil@taylorkinglaw.com
Address: 820 West Third Street, Little Rock, AR,
72201

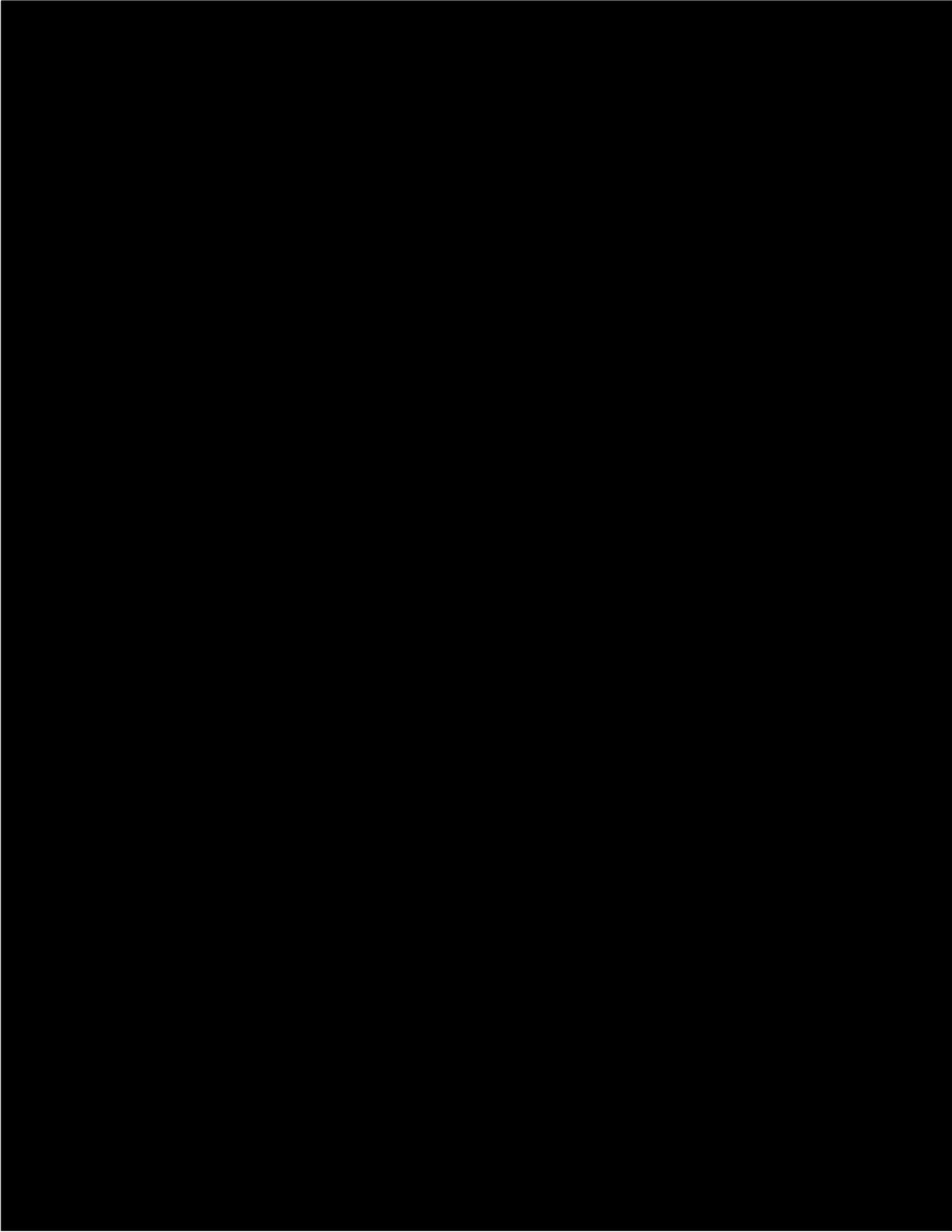


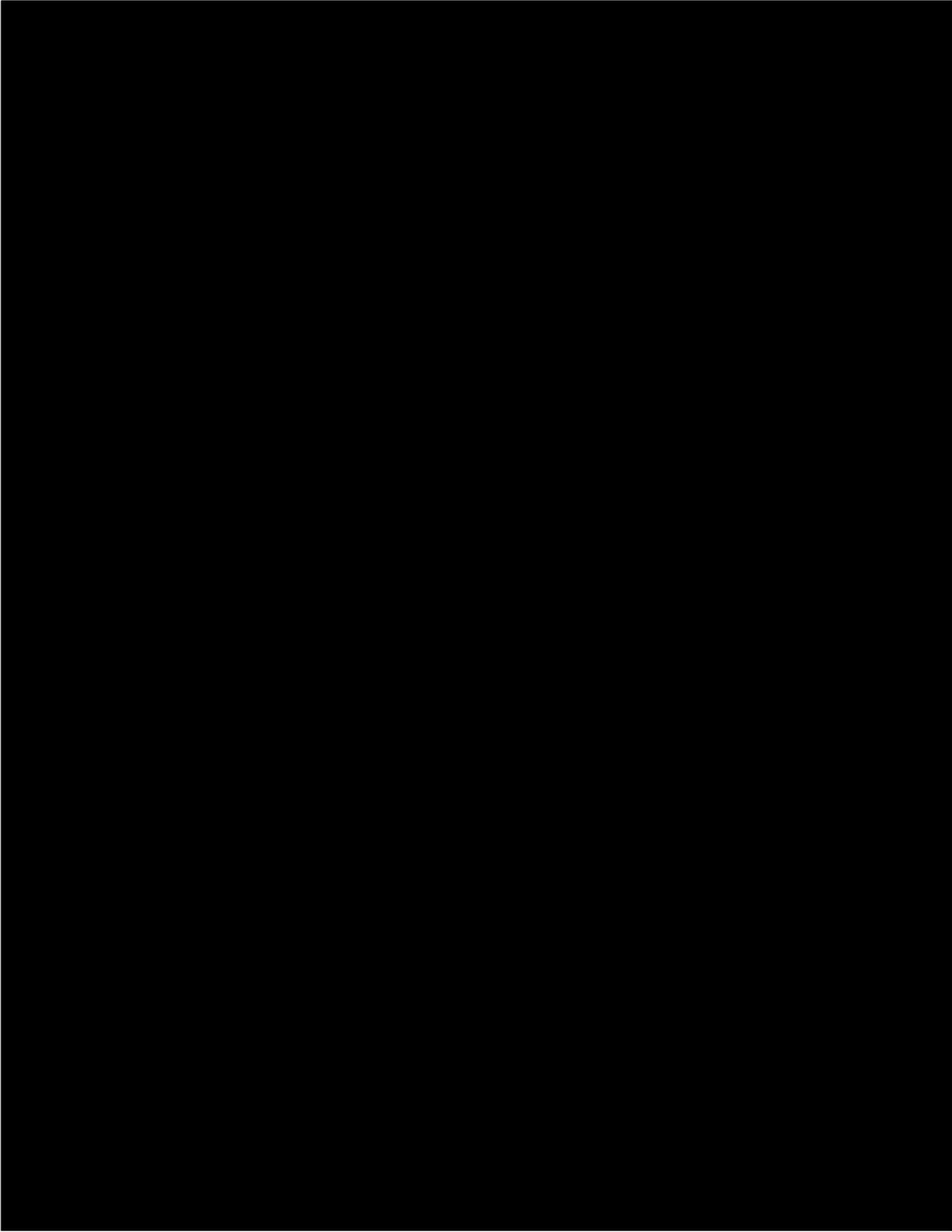
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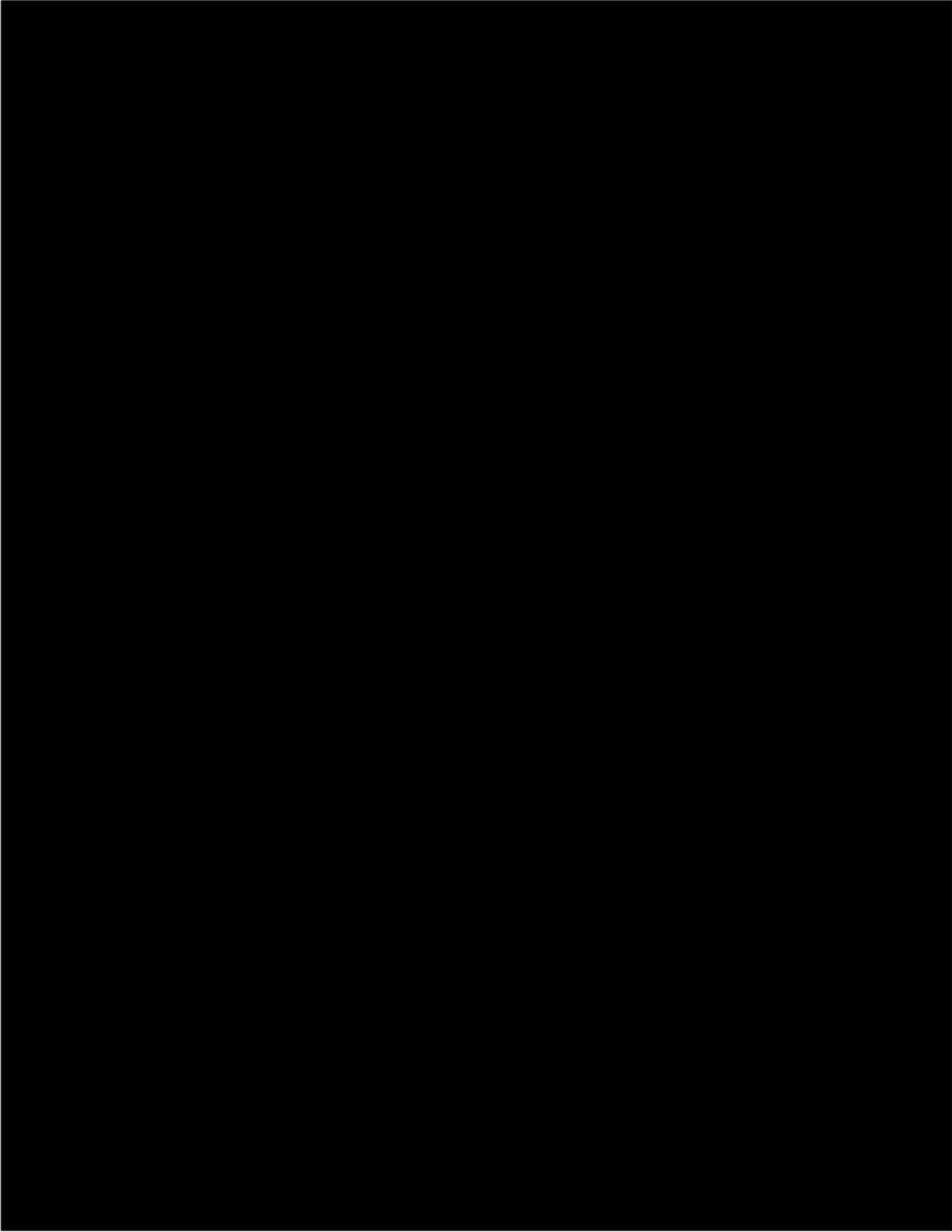


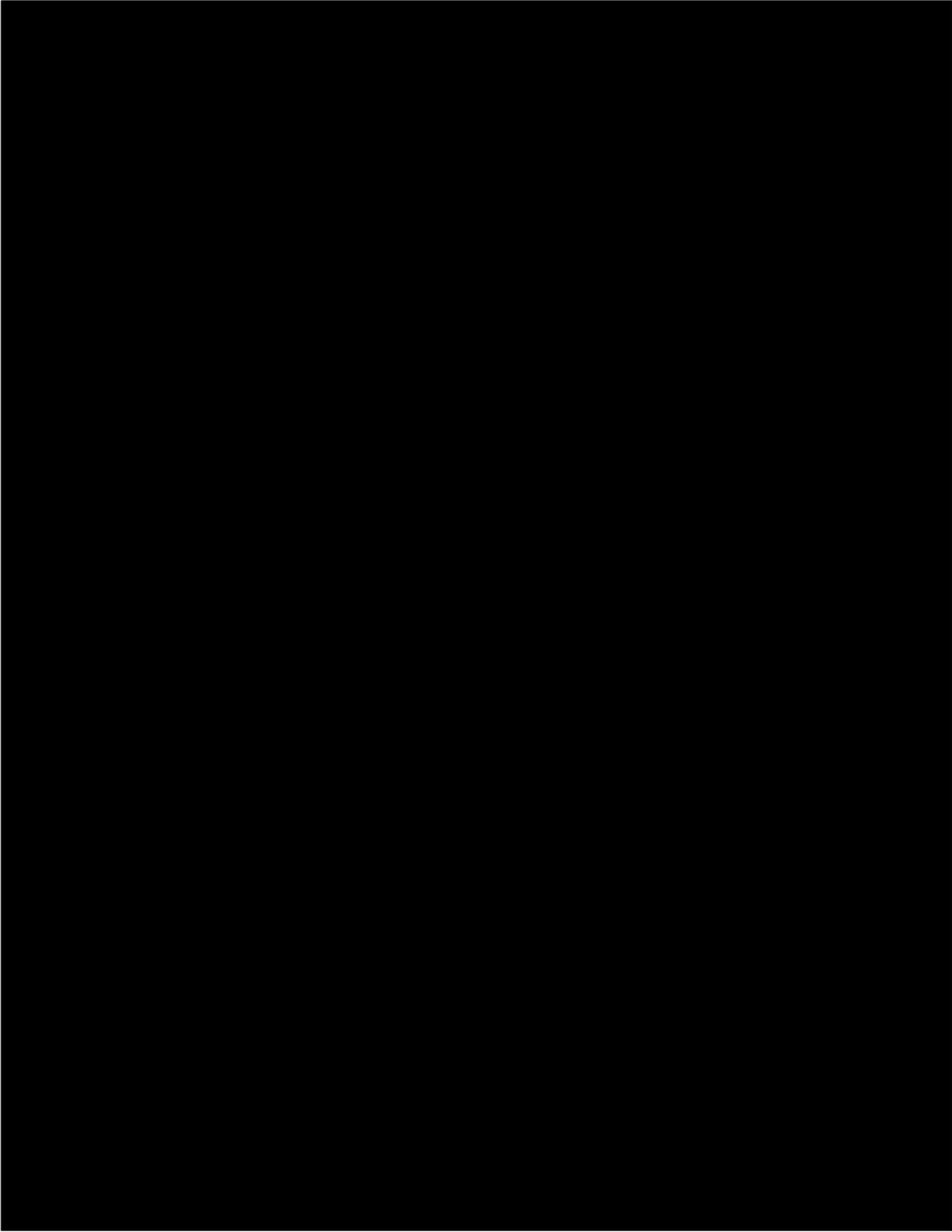
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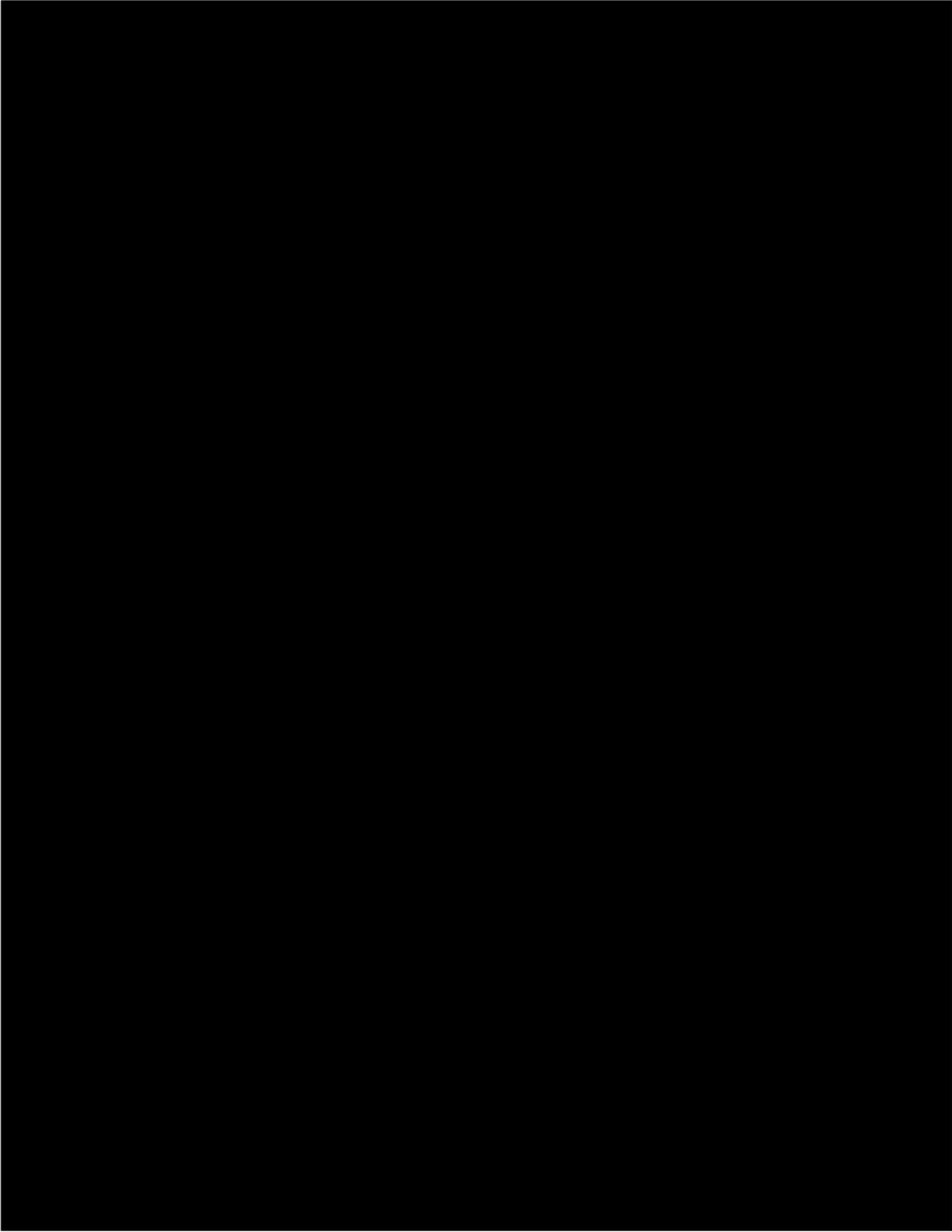


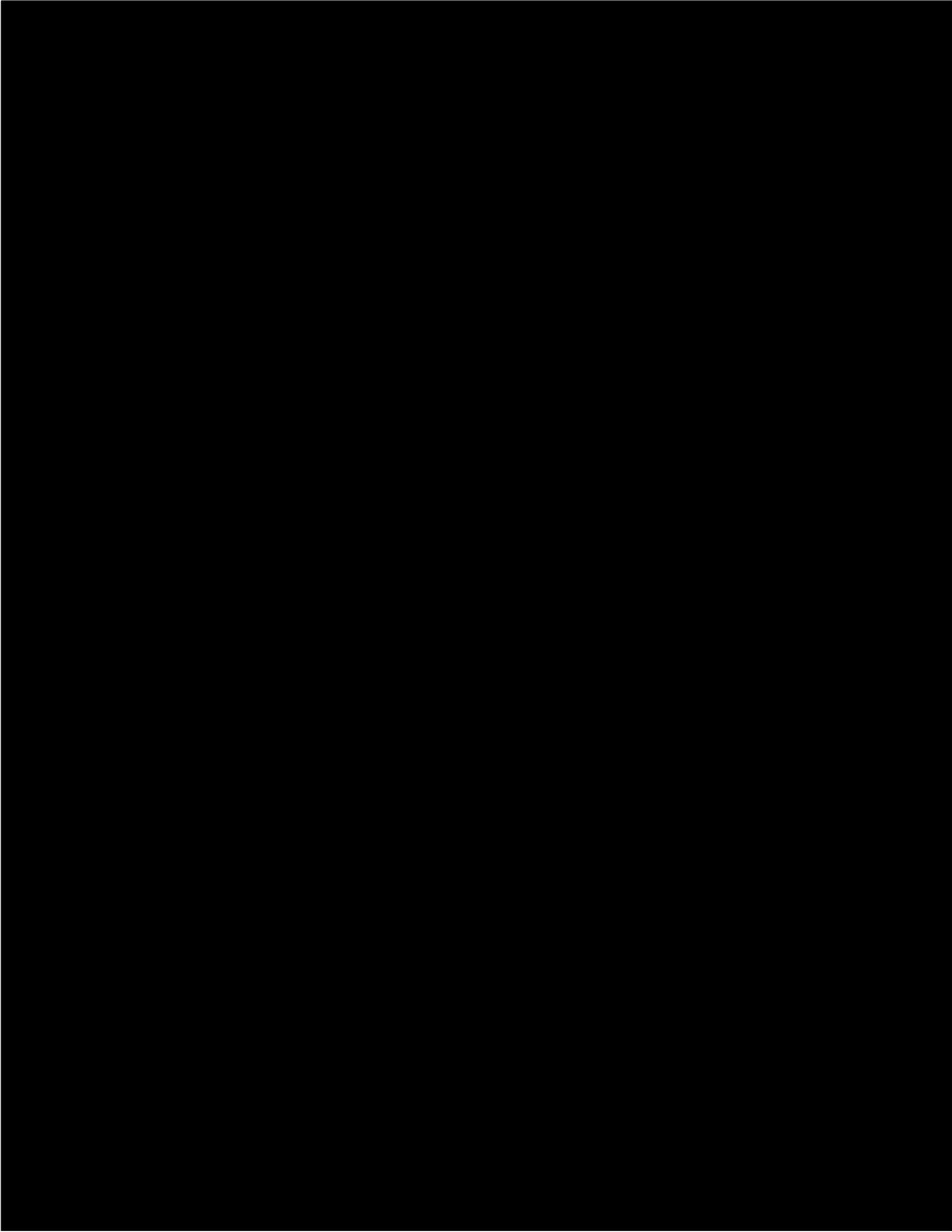


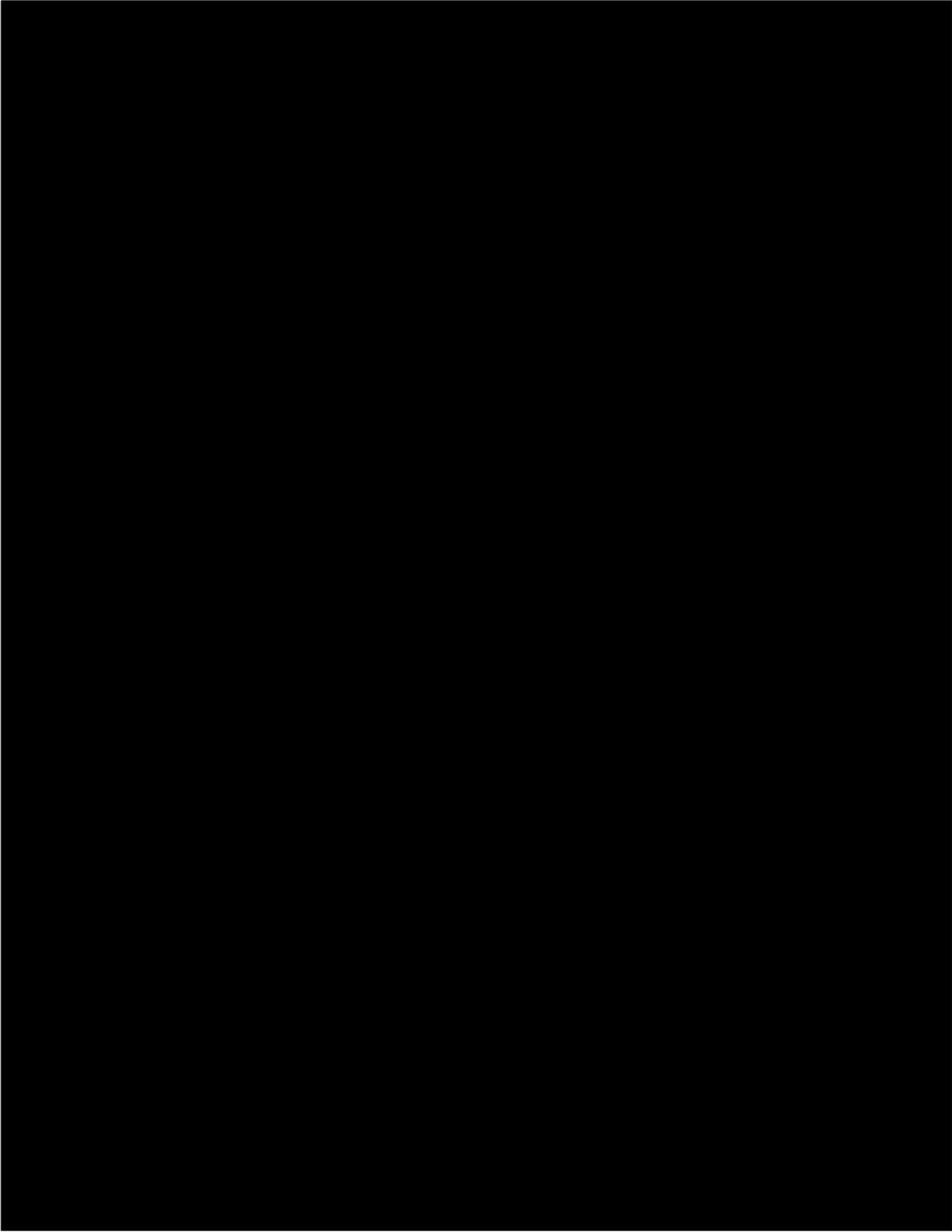


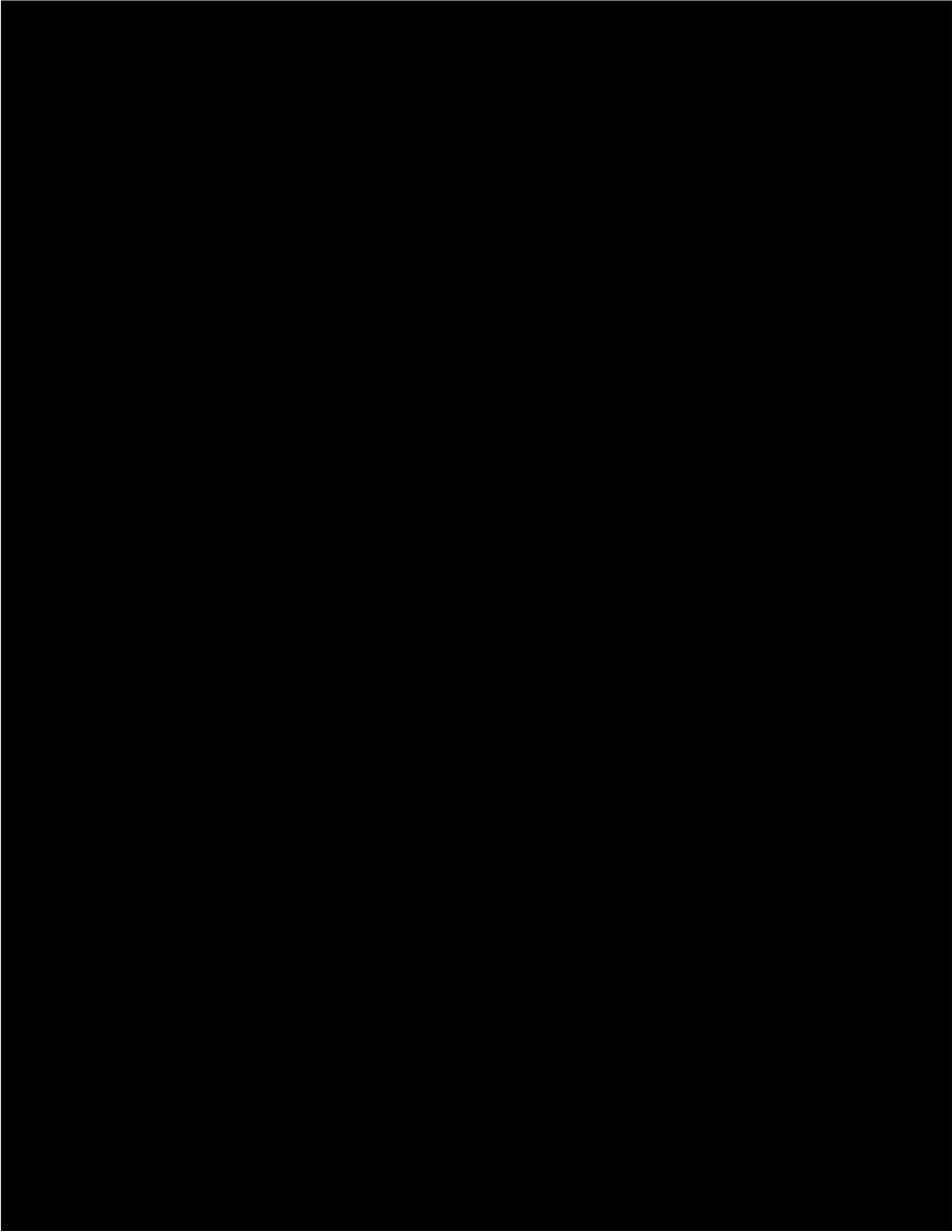


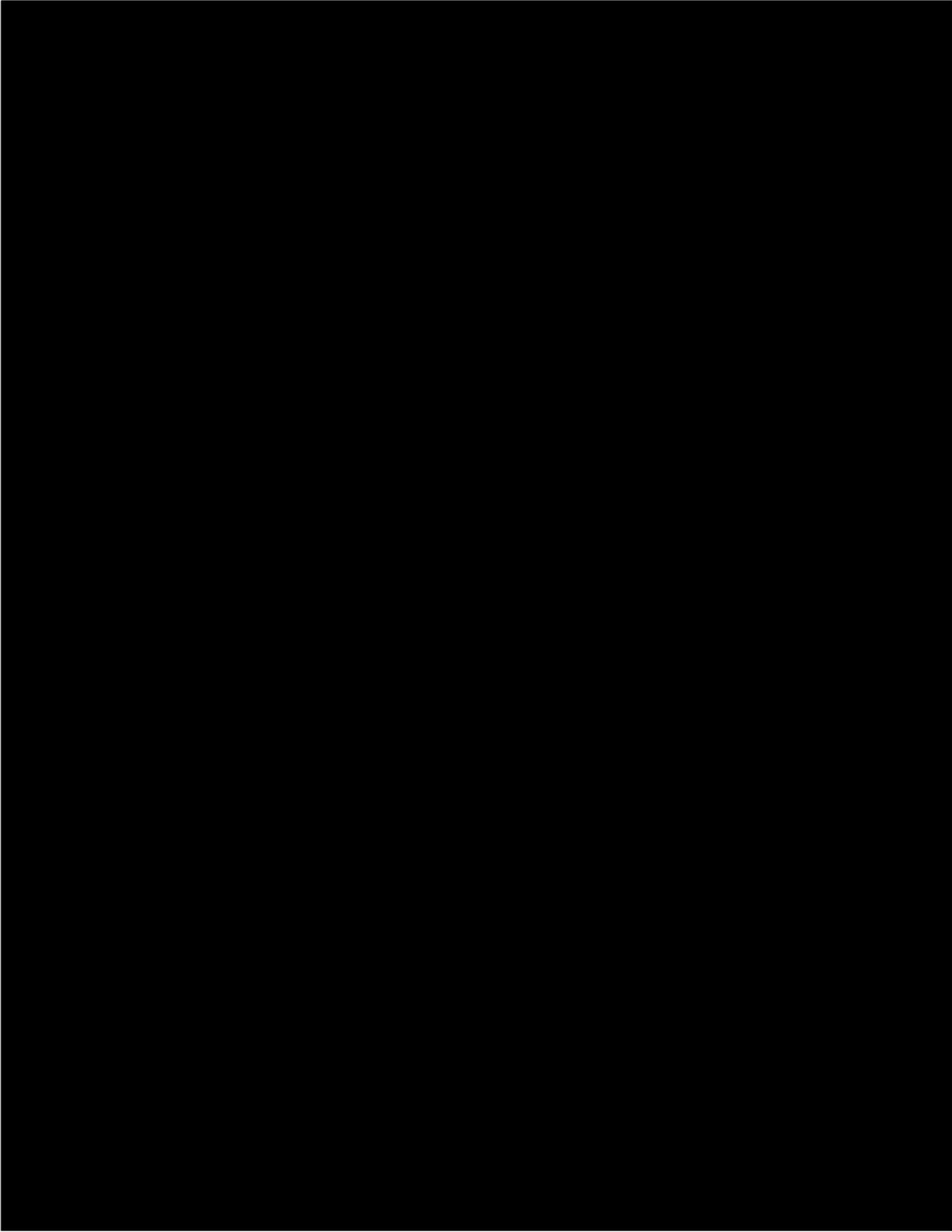


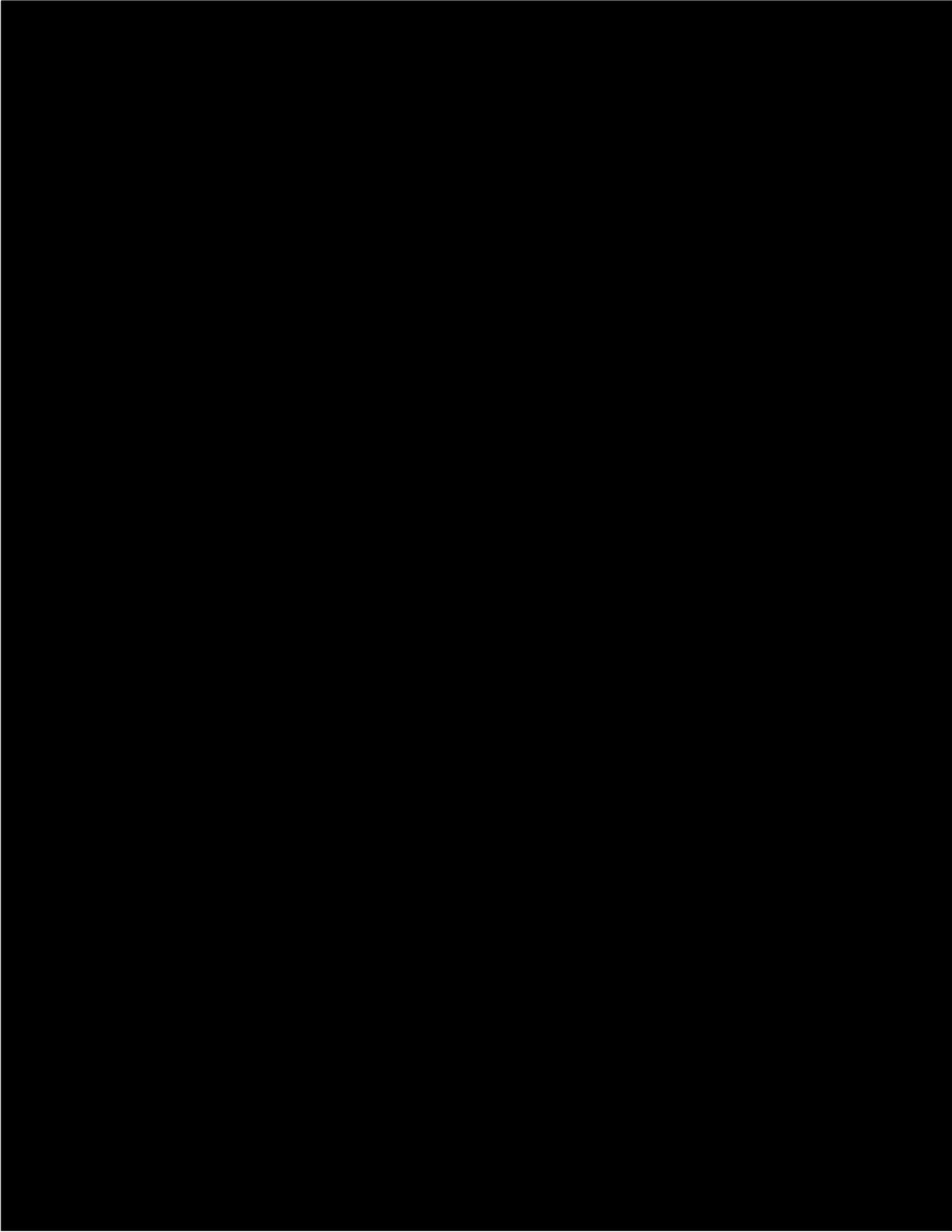


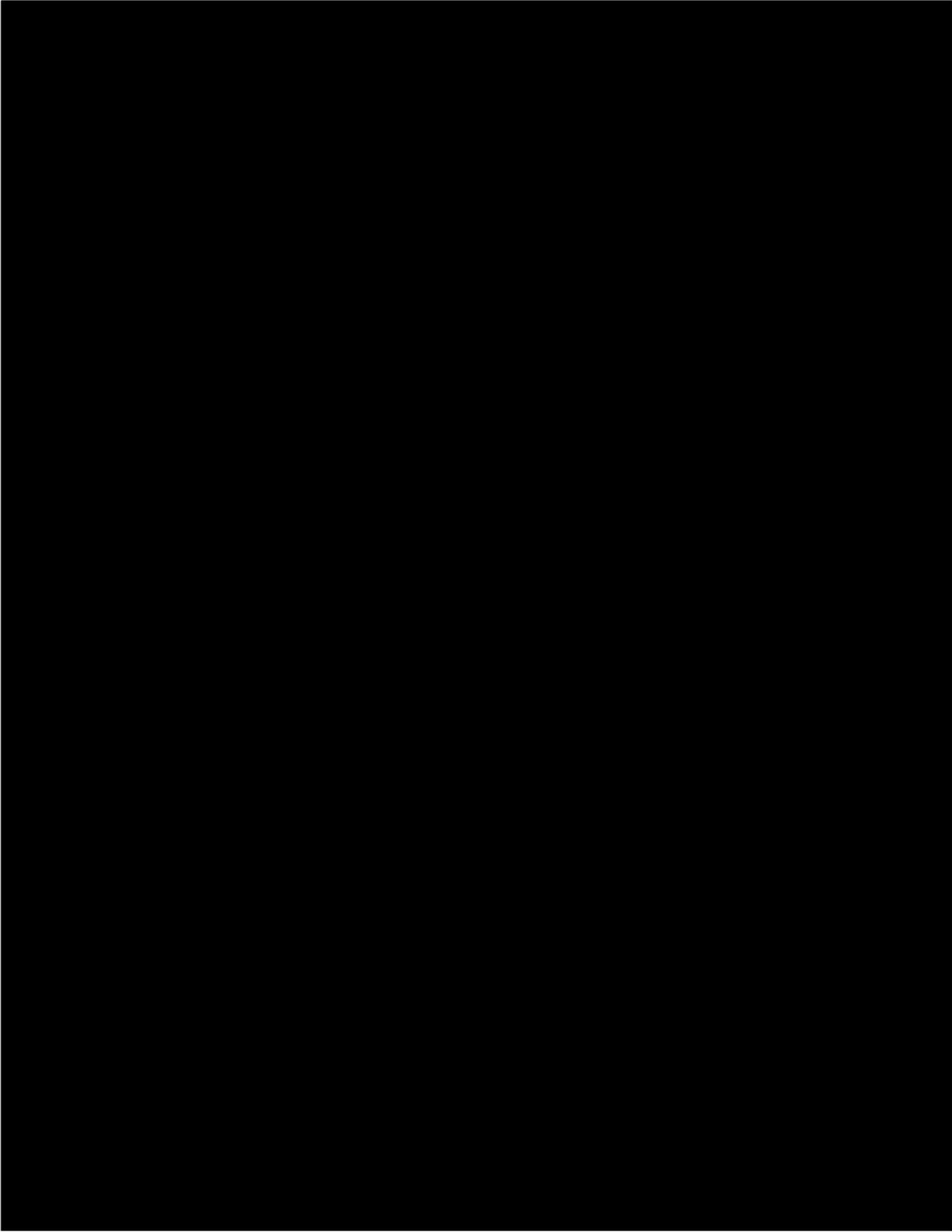


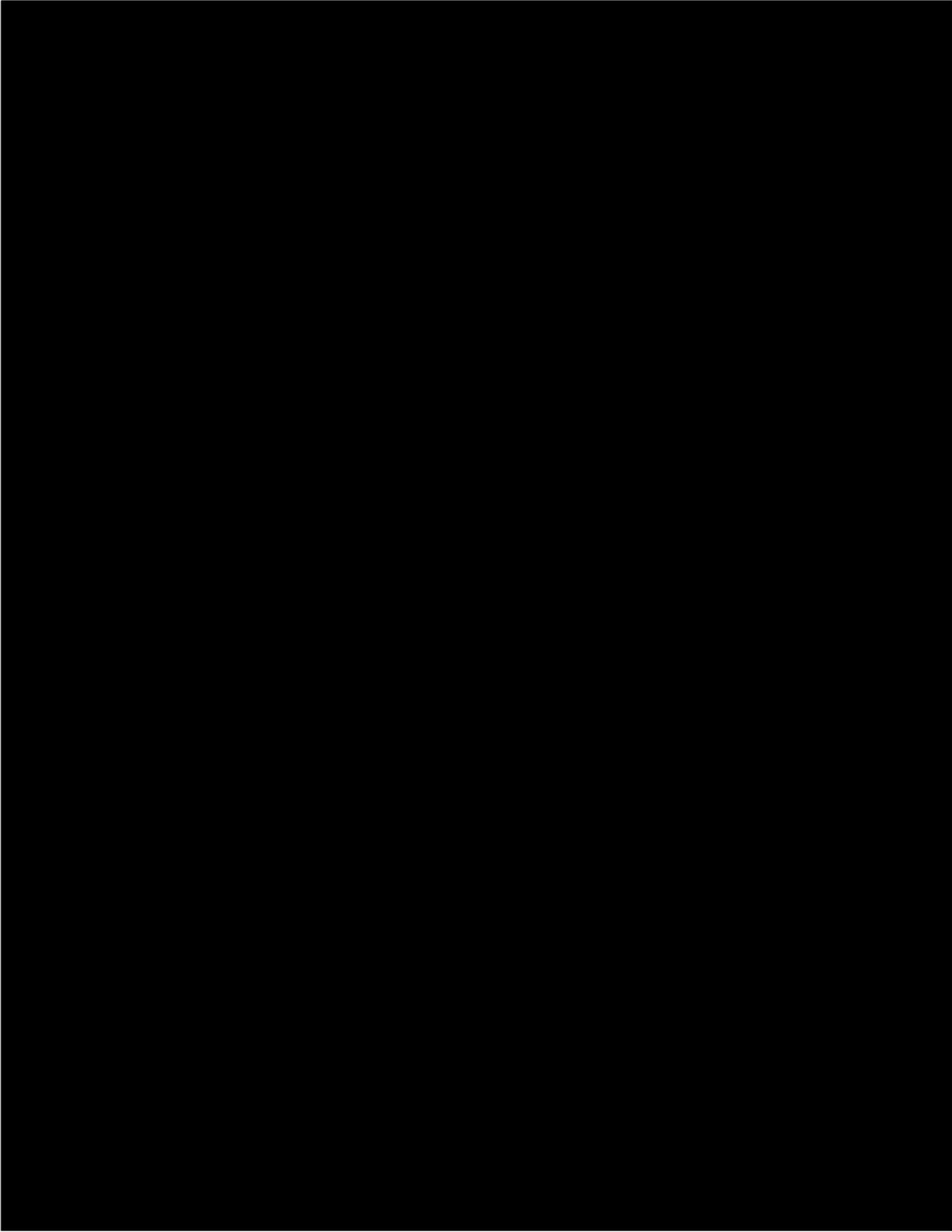


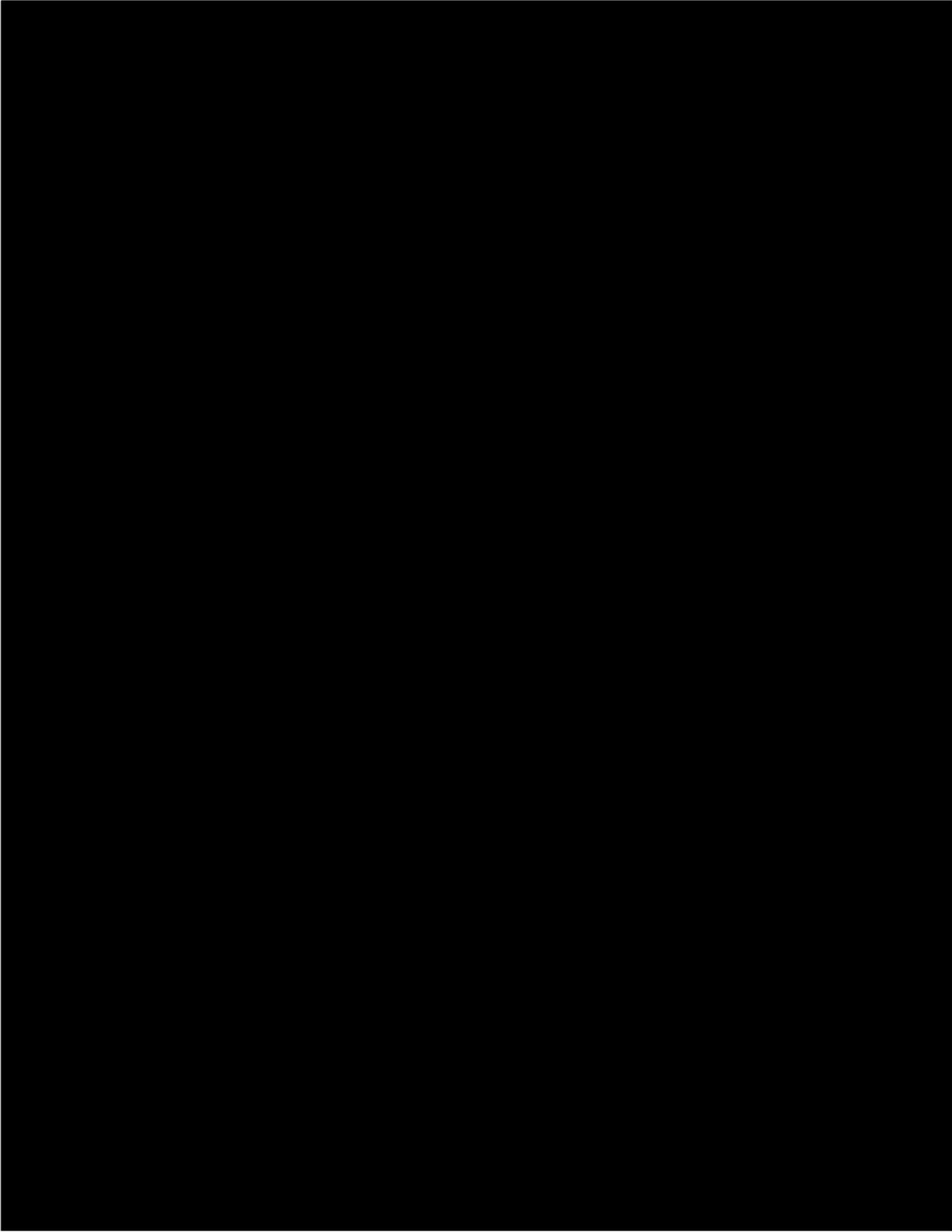


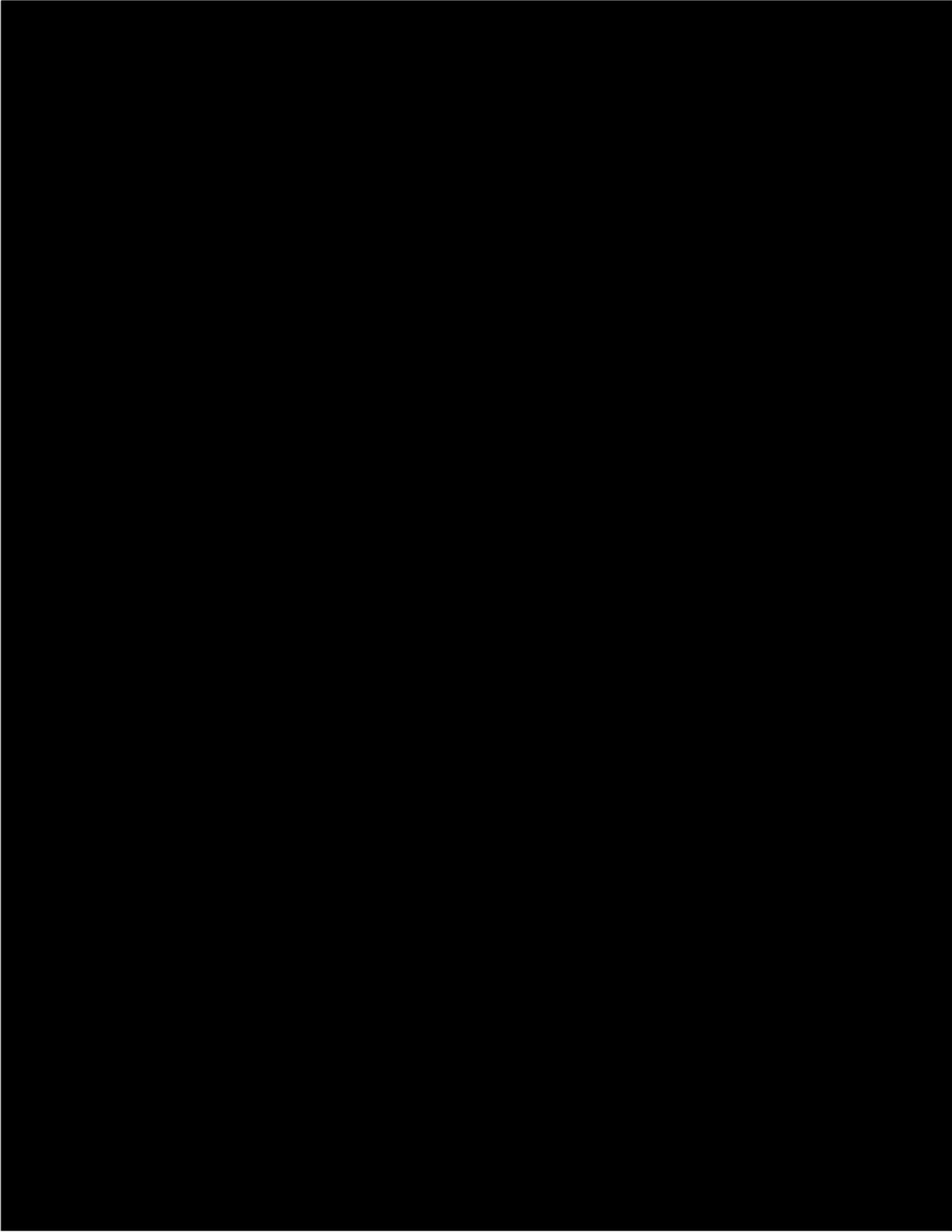


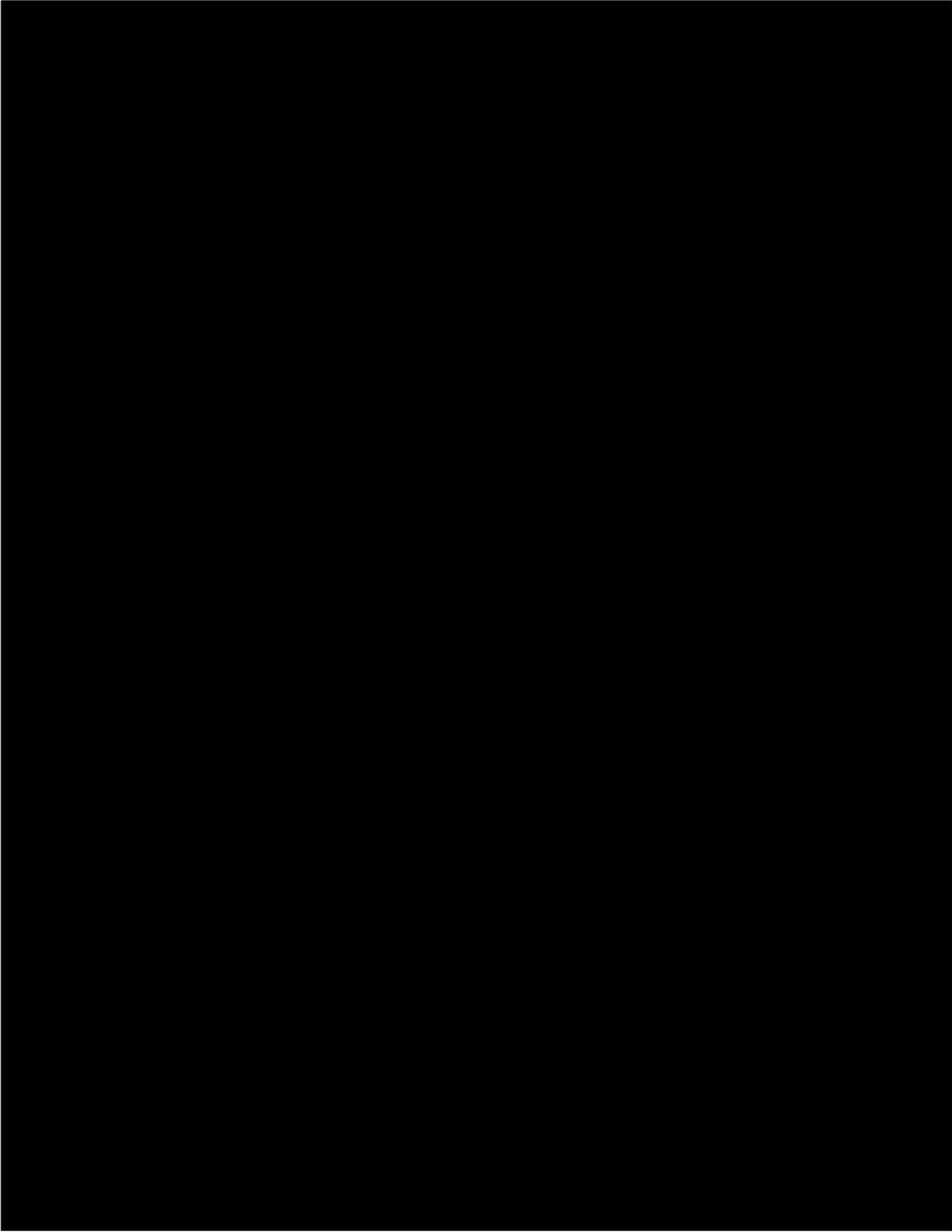


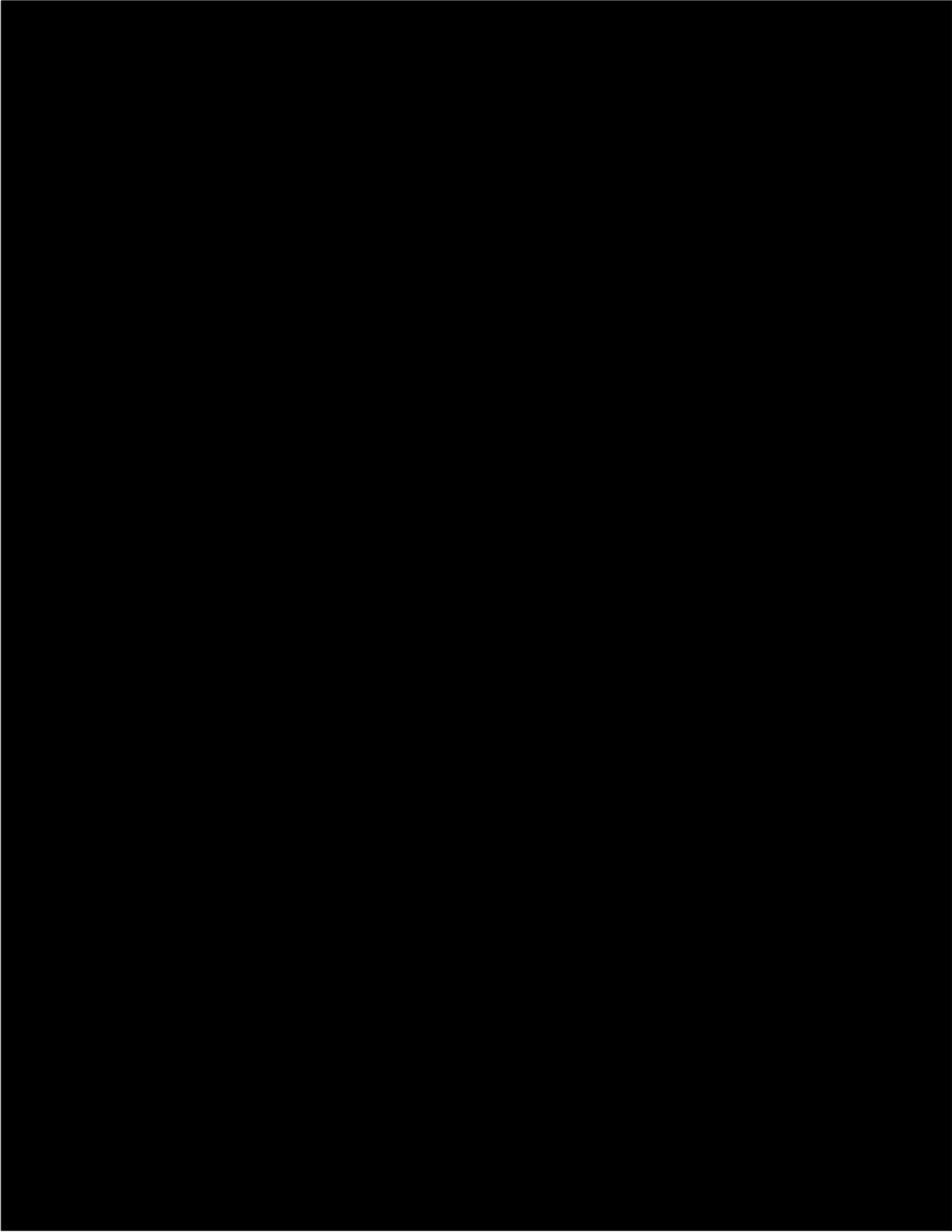


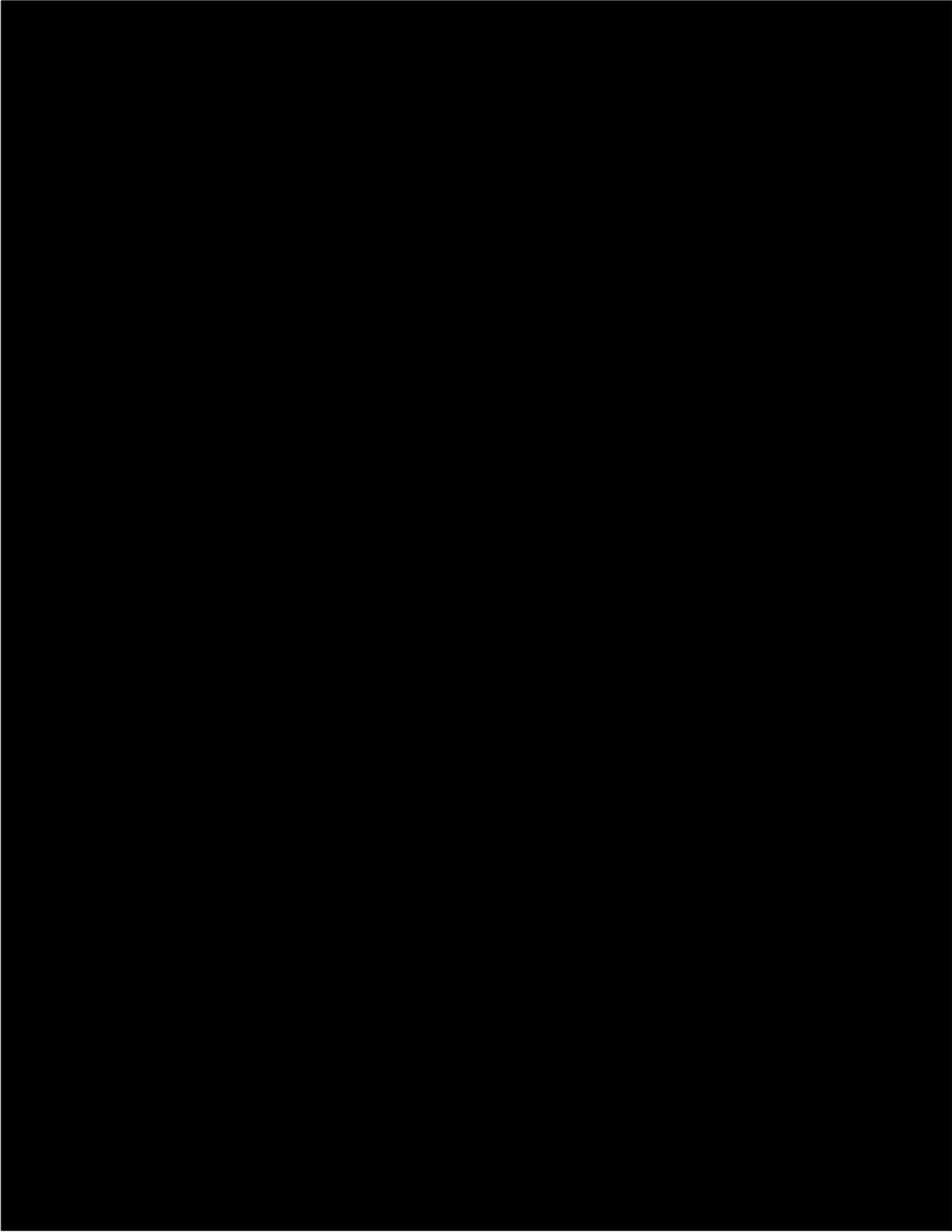


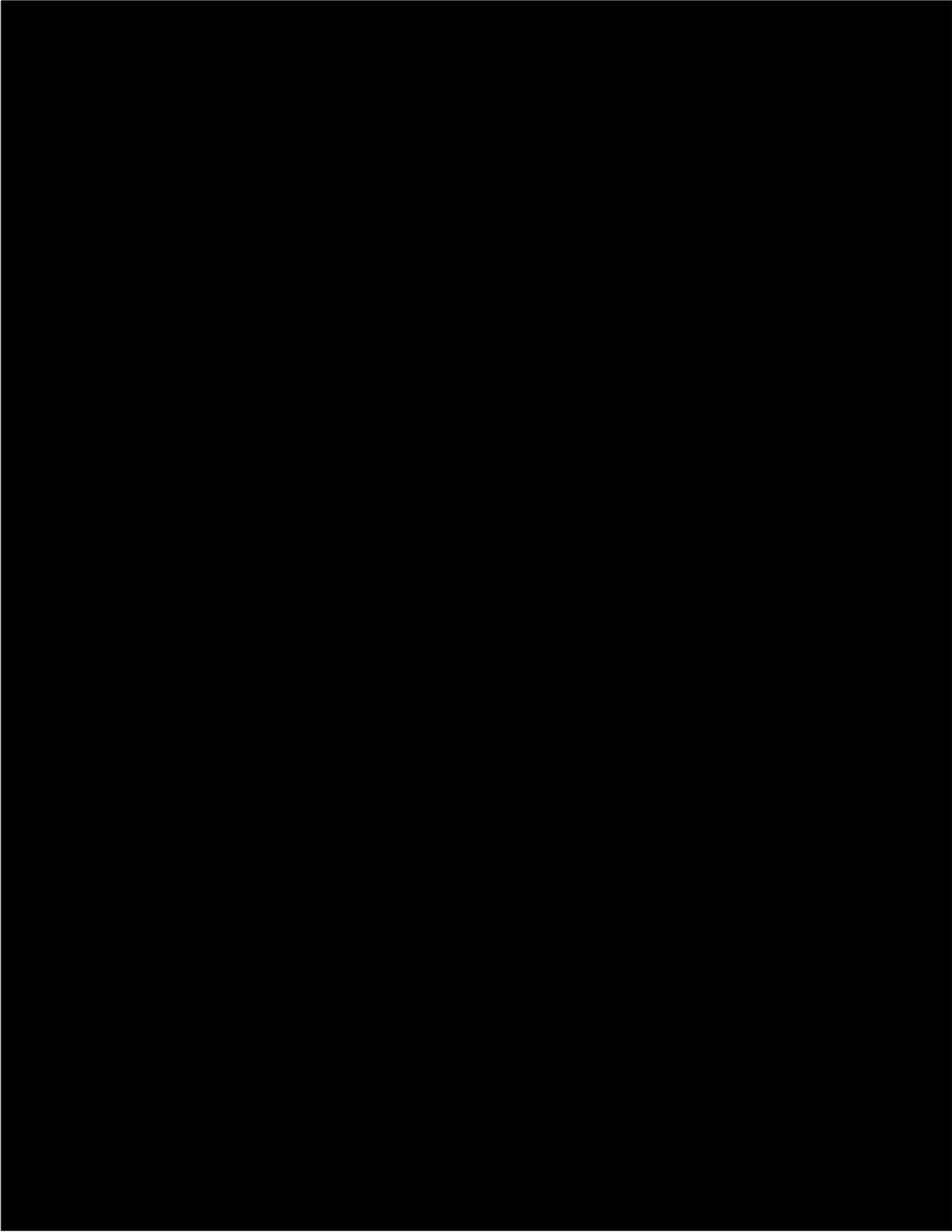












From: [Chris Heil](#)
To: [ASCC Pleadings](#)
Cc: [Kathryn Irby](#); [Andrews, Amanda J.](#)
Subject: Patterson v. ARDOT 221005 (#3)
Date: Friday, April 19, 2024 9:08:41 AM
Attachments: [Exhibit 16.pdf](#)
[Exhibit 17.pdf](#)

See attached.

Sincerely,
Chris Heil
Chris Heil | Attorney

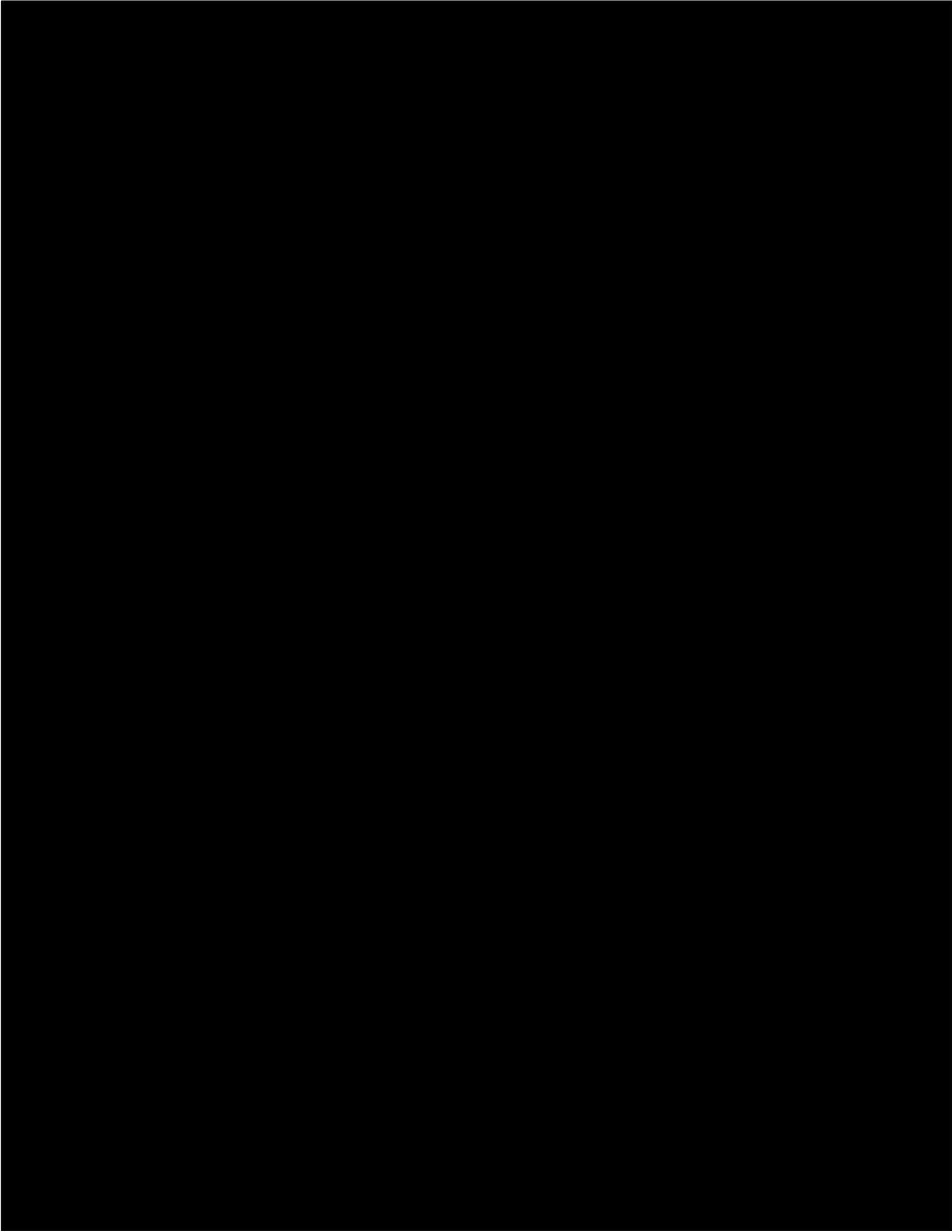
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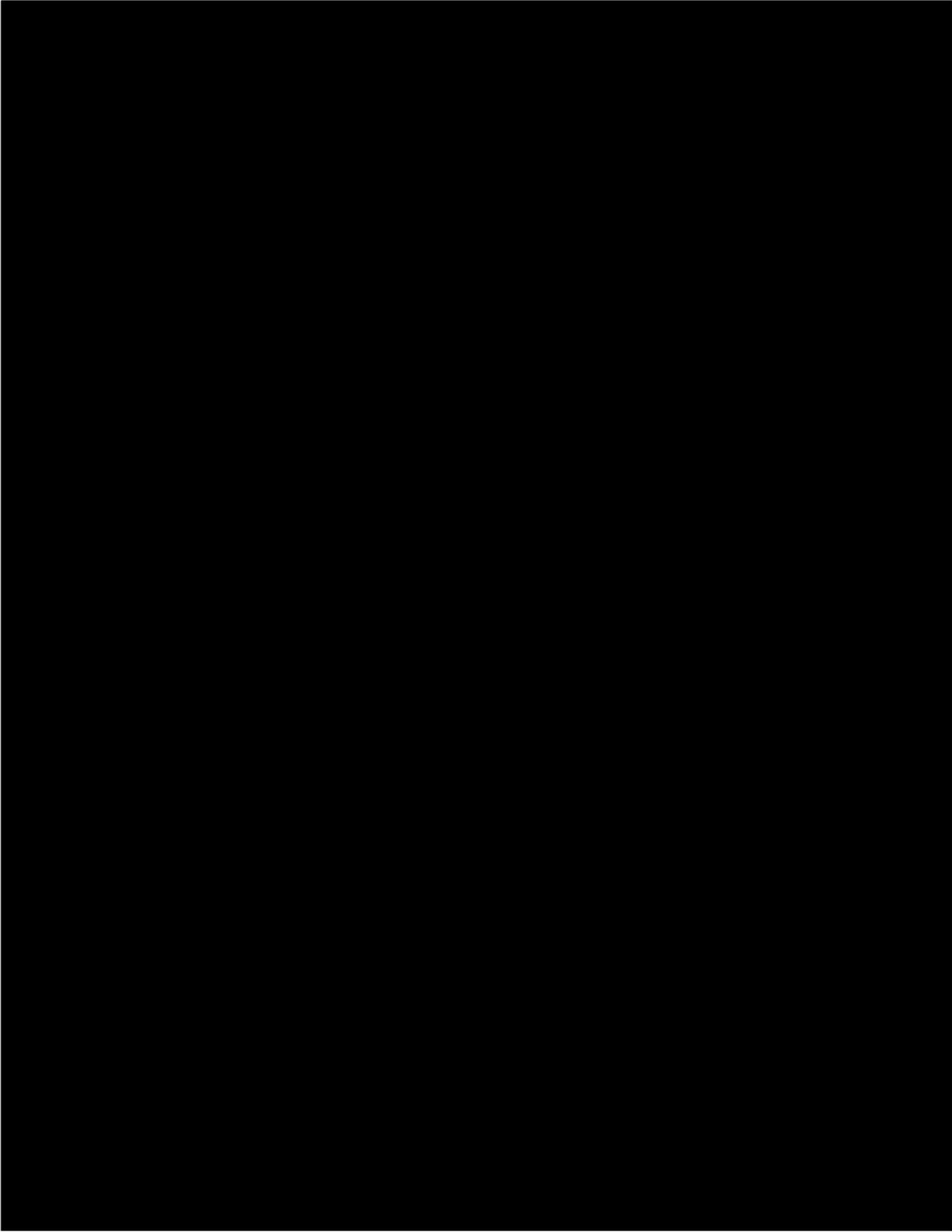


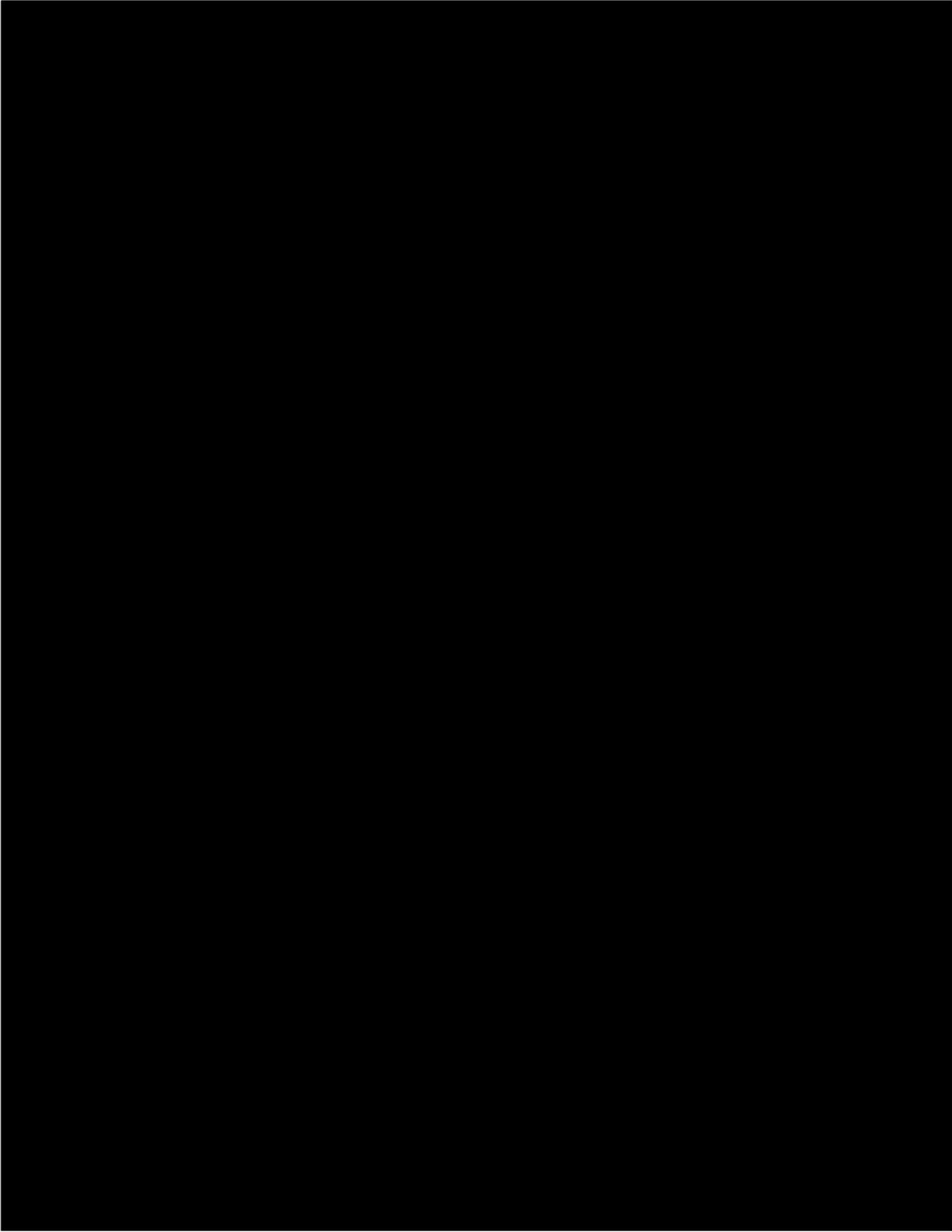
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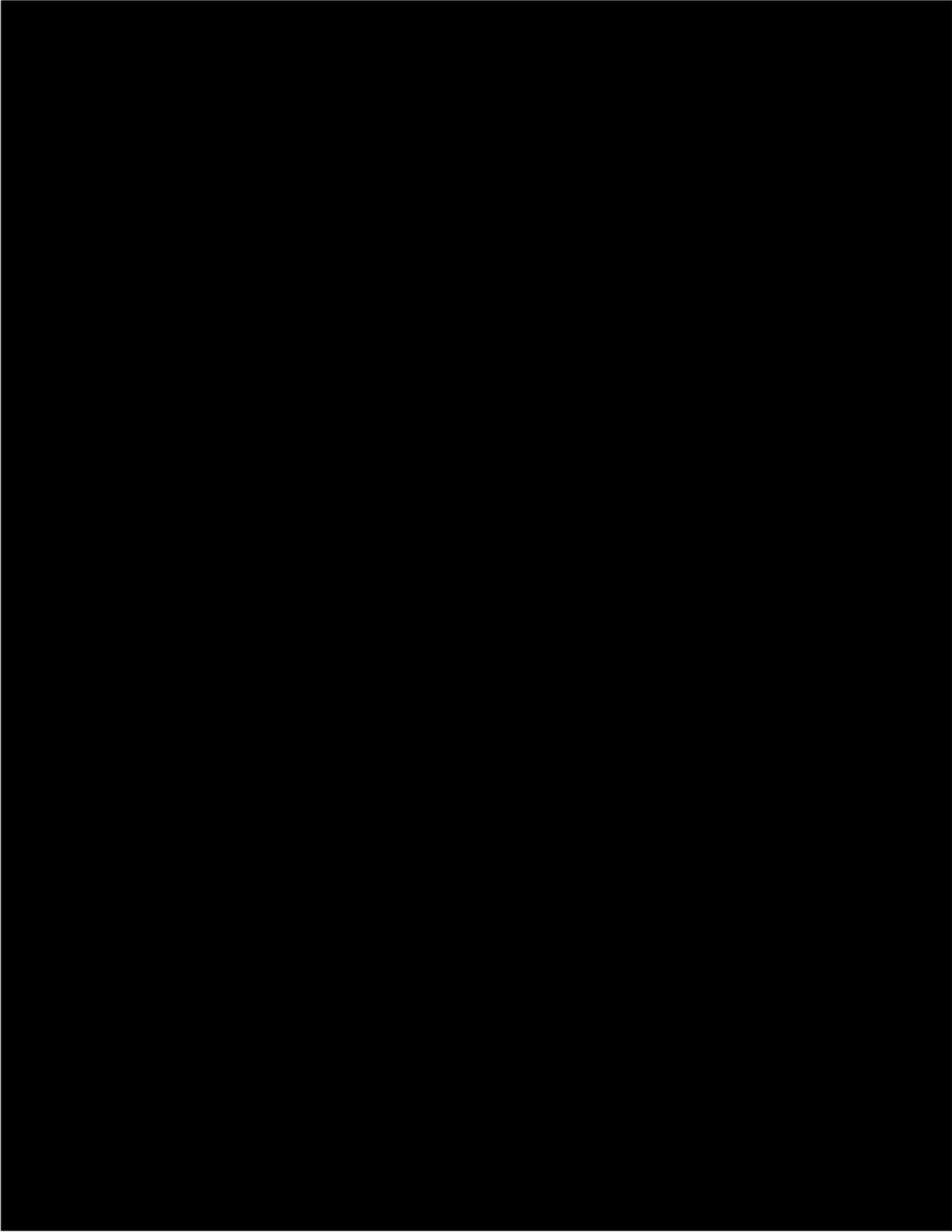


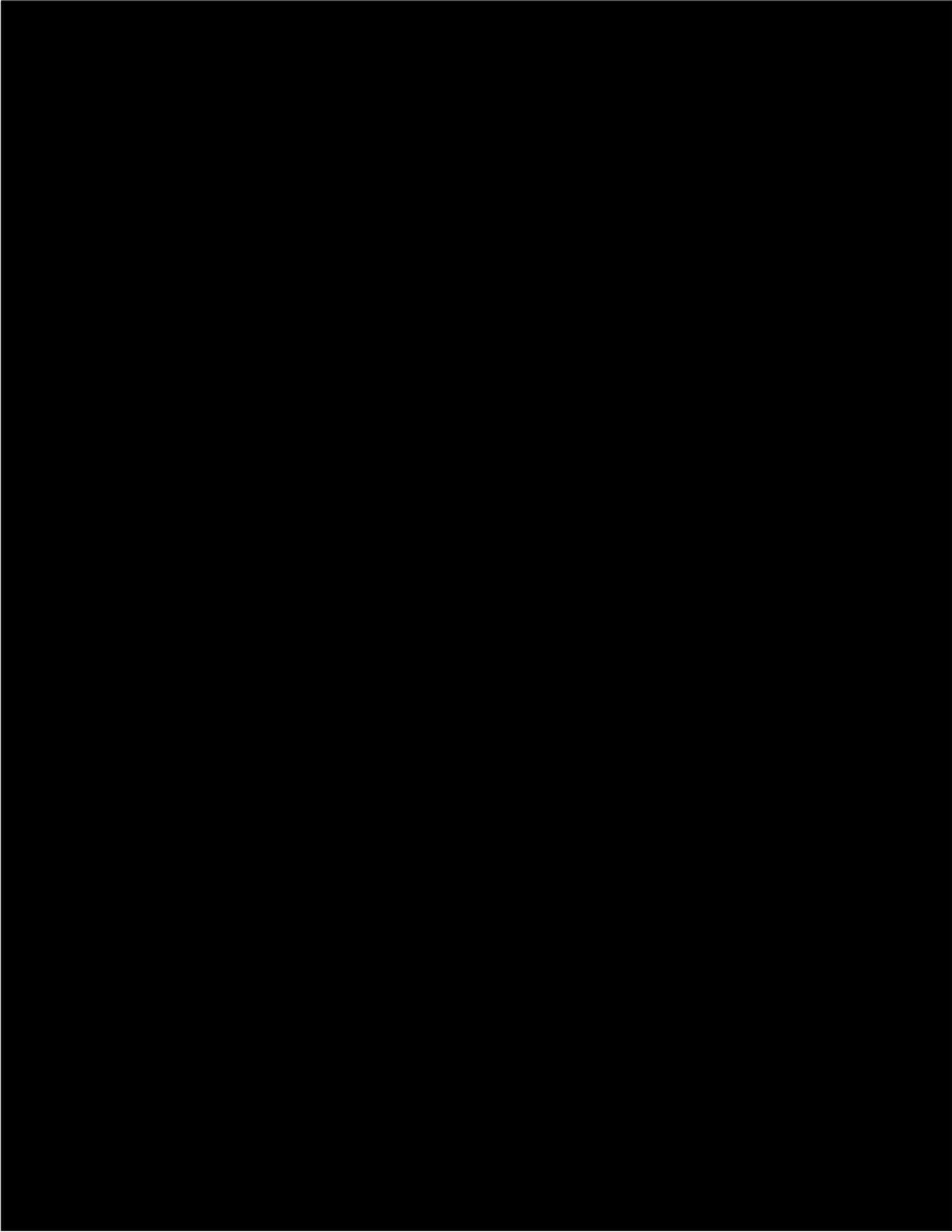
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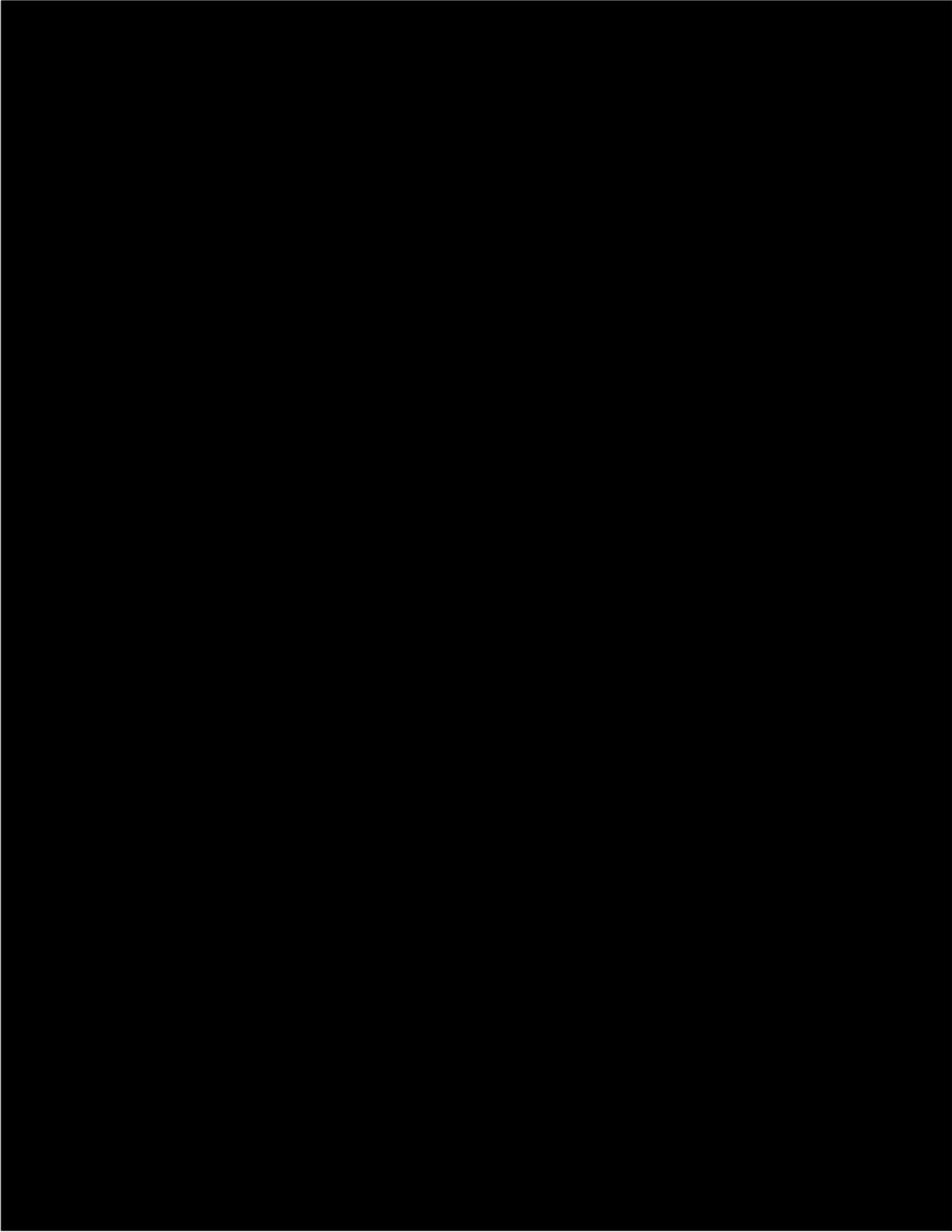


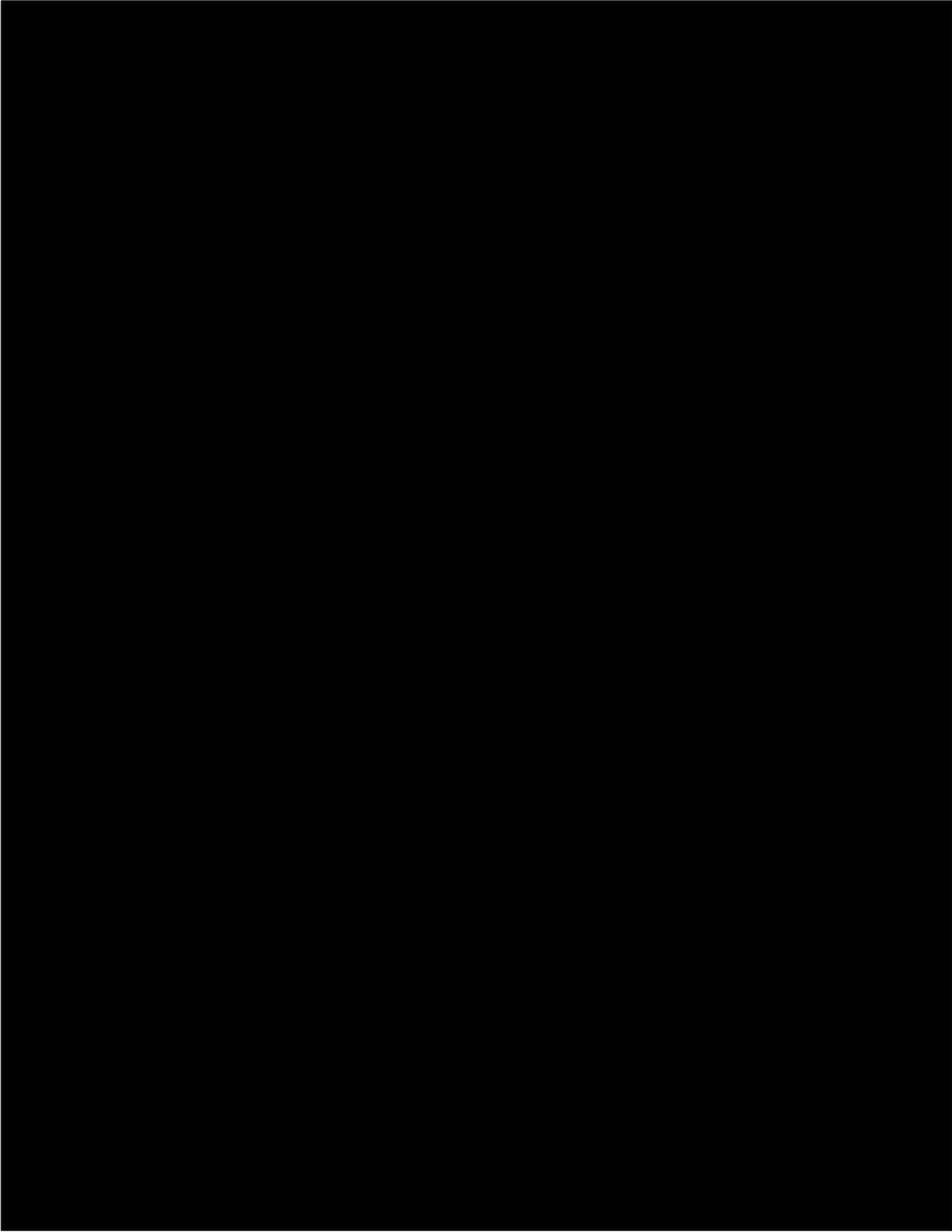


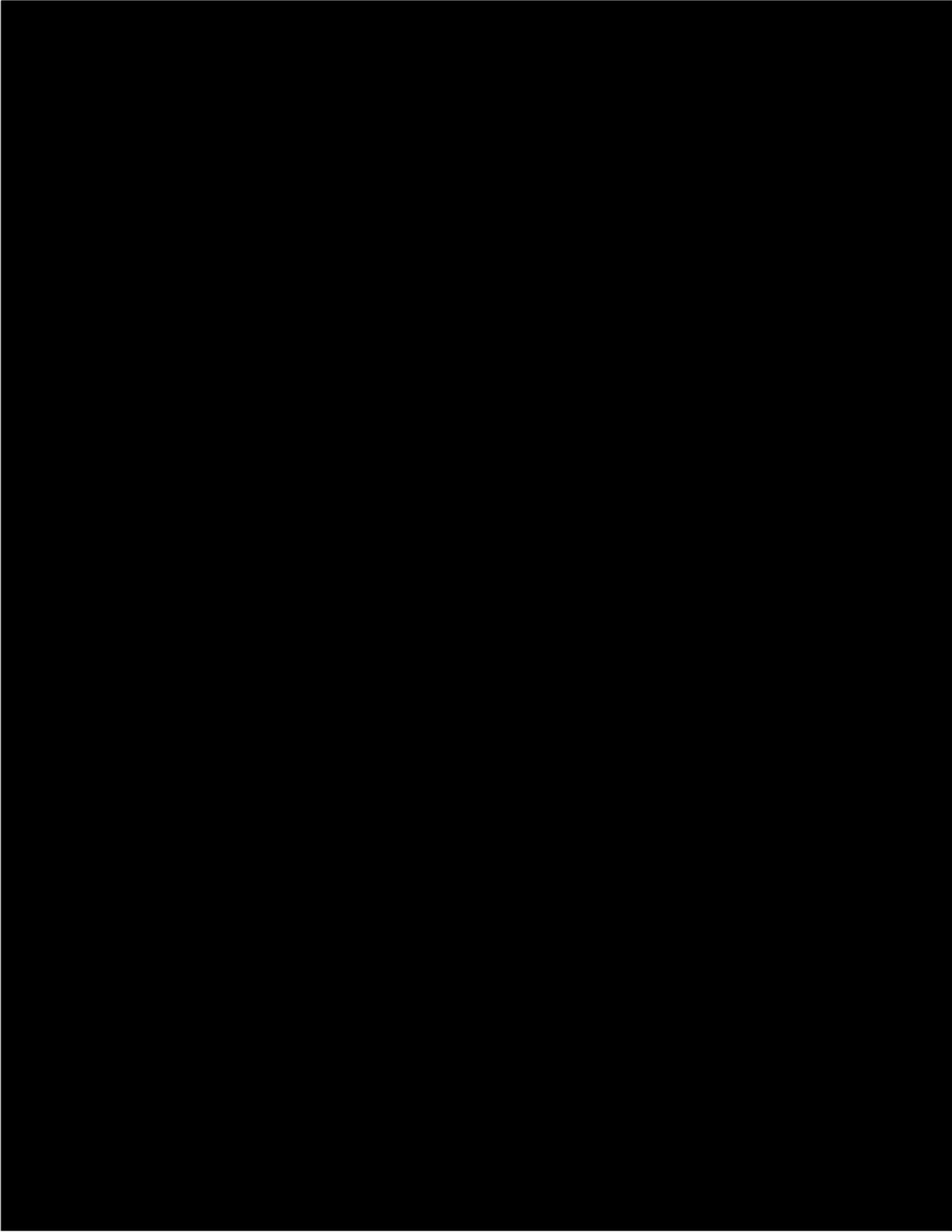


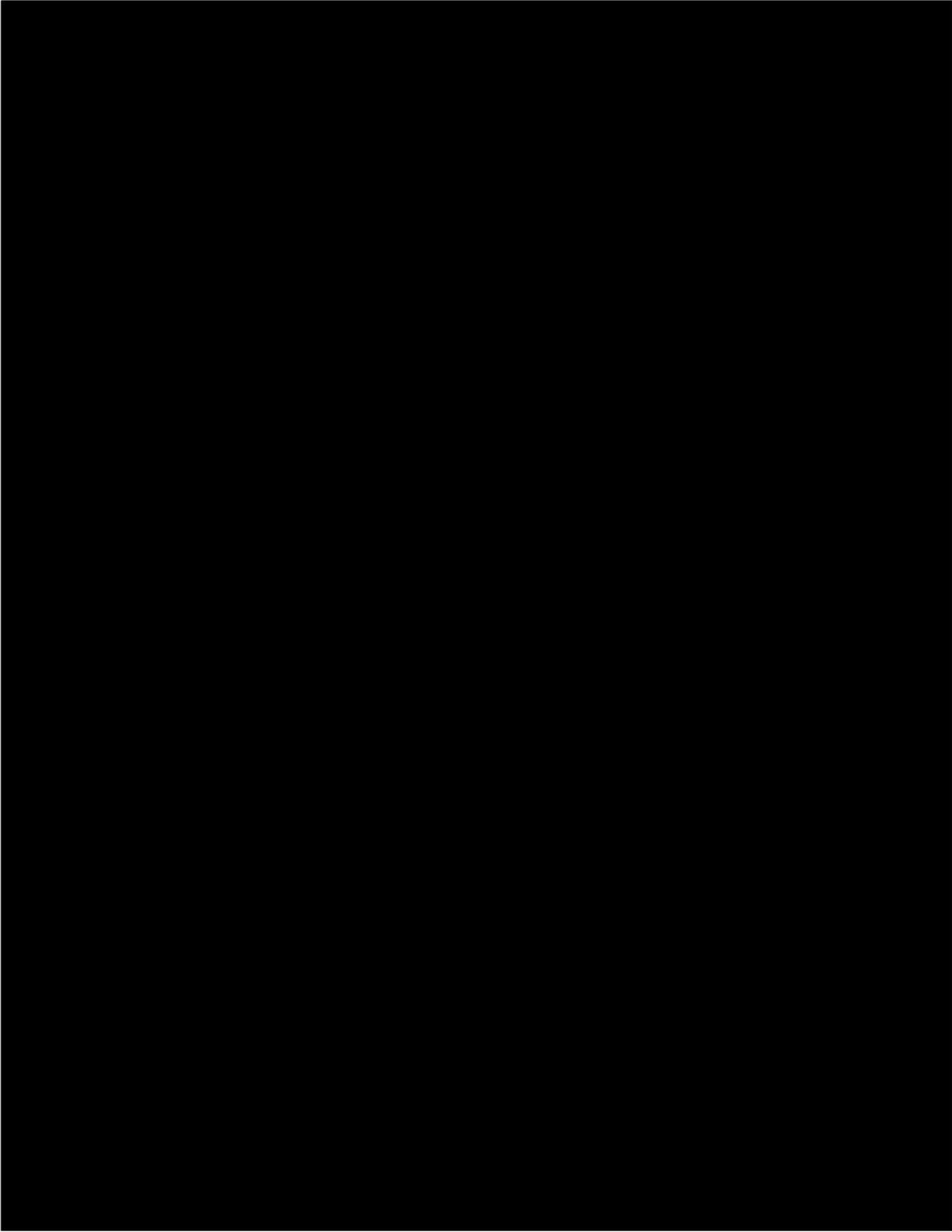


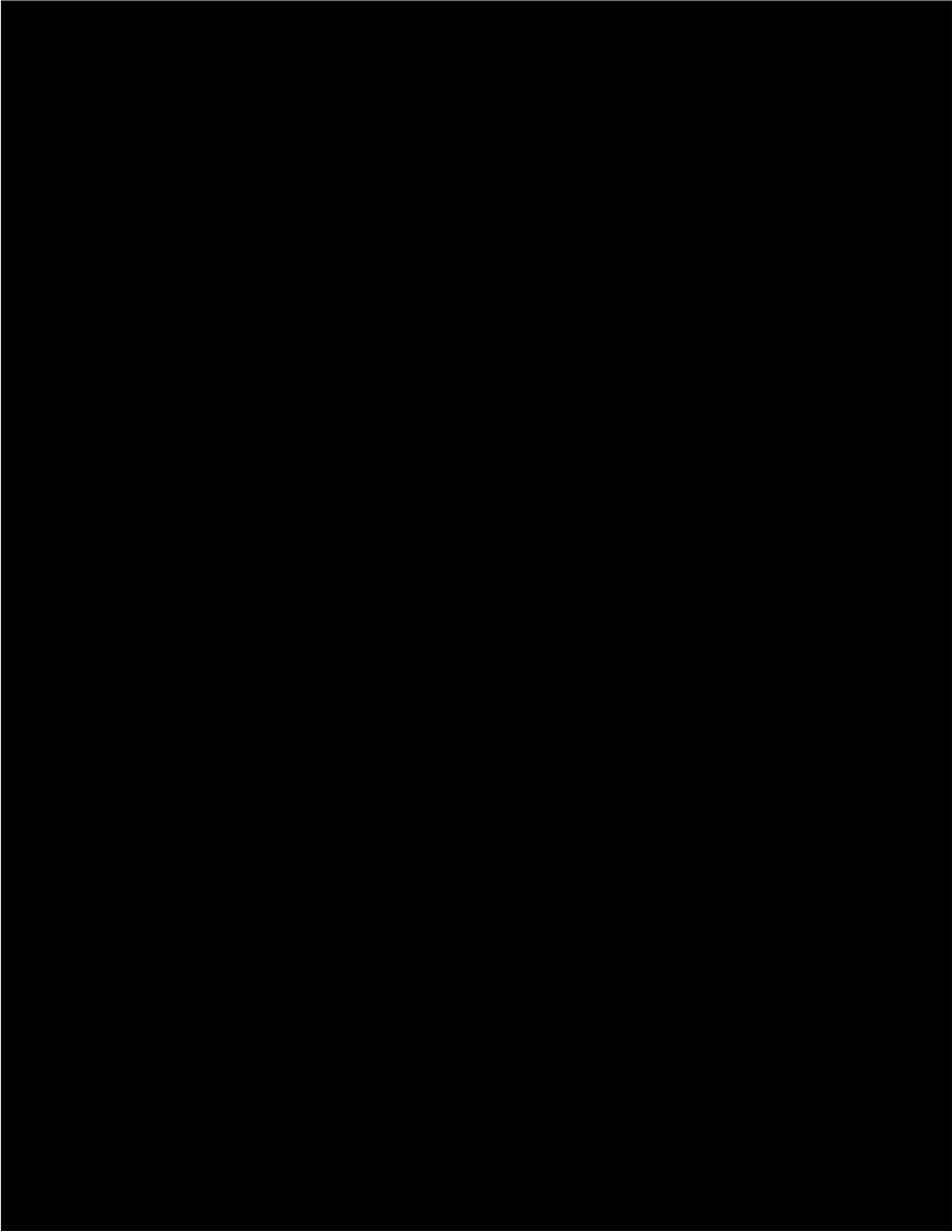


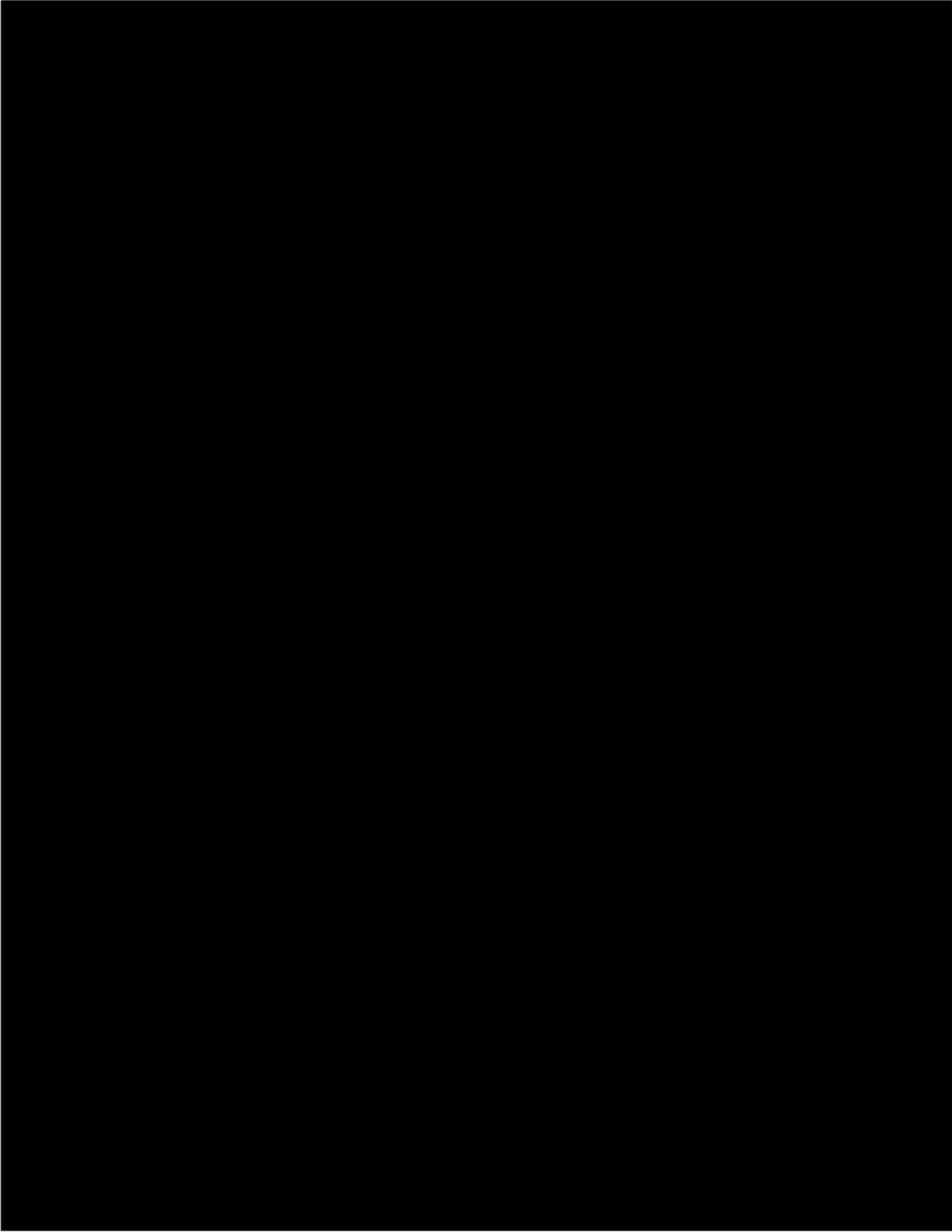


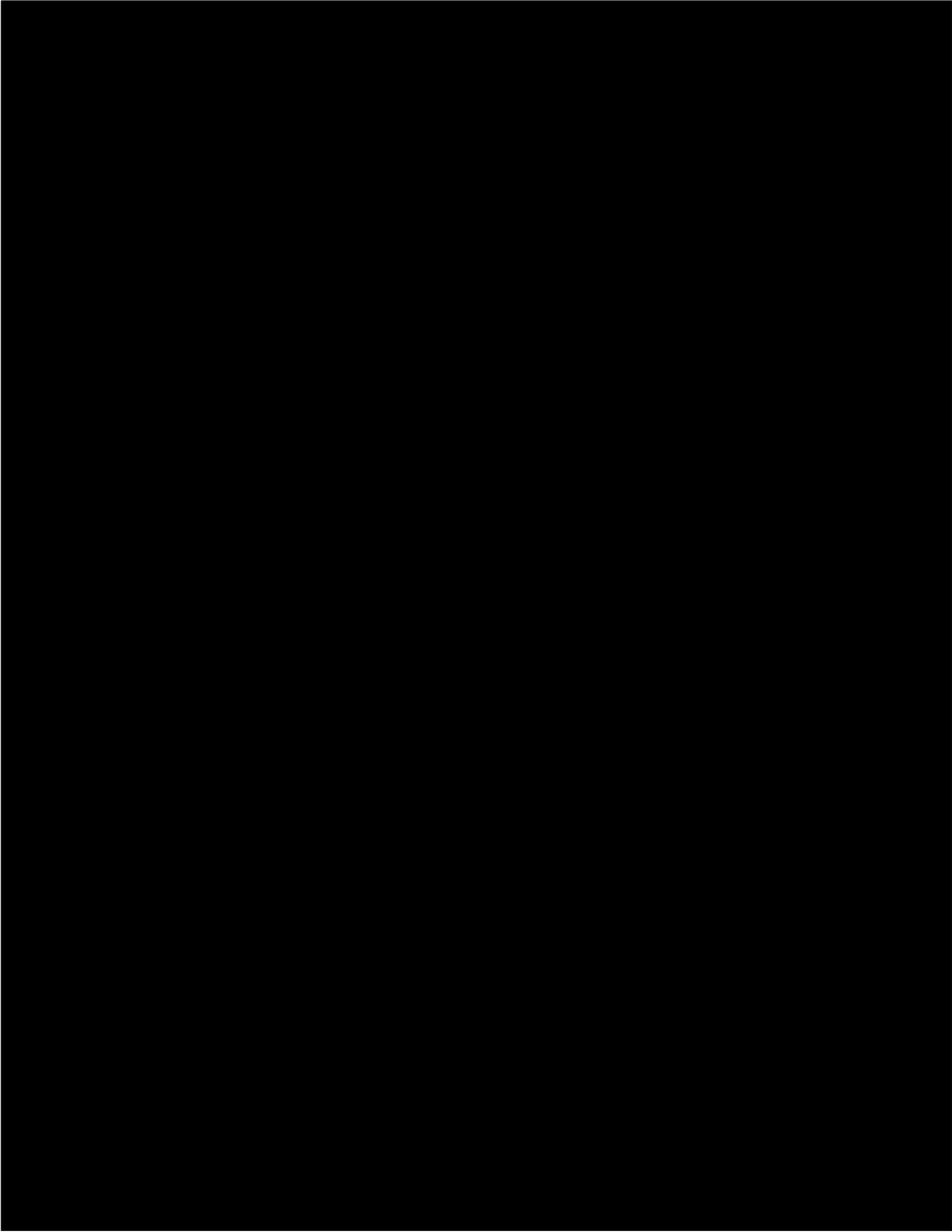


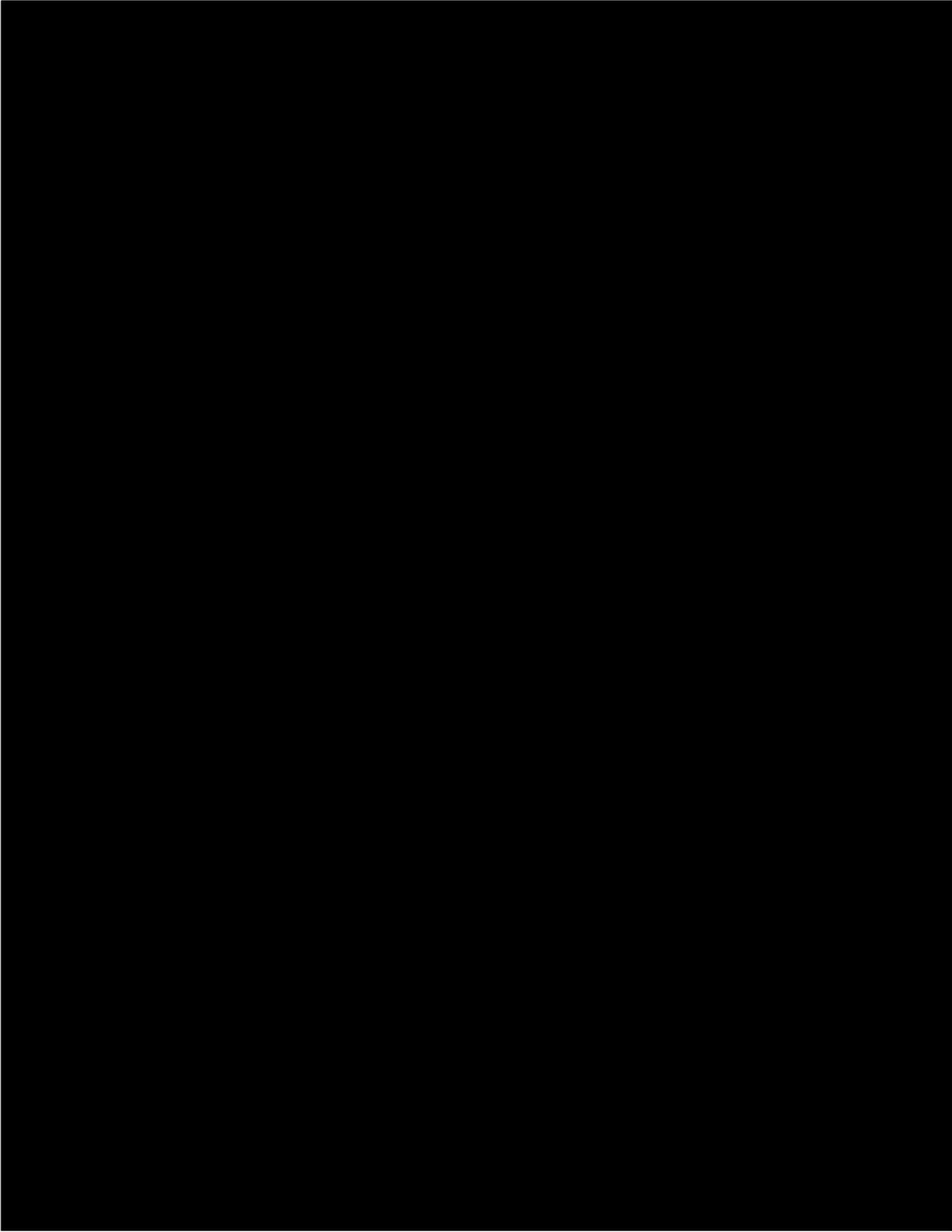


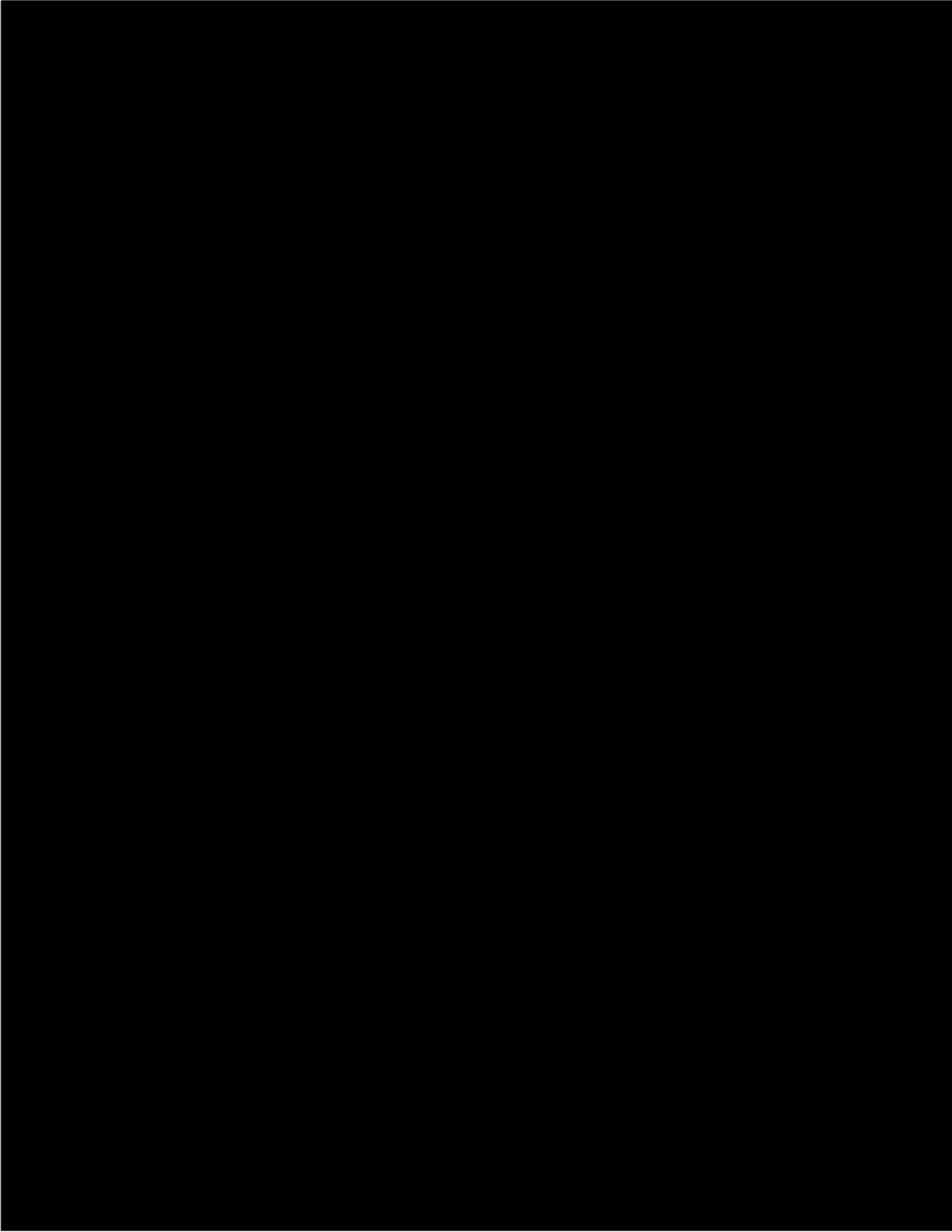


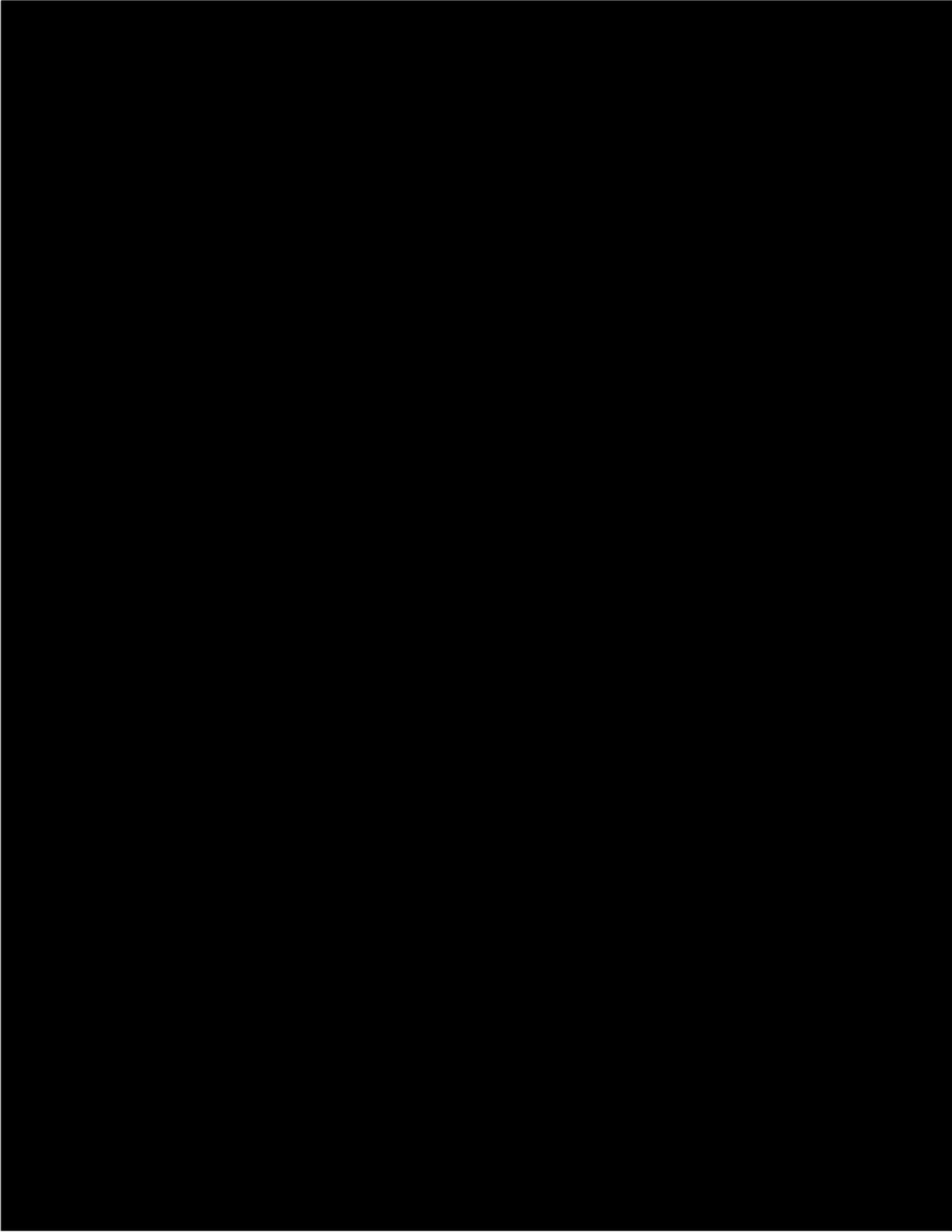


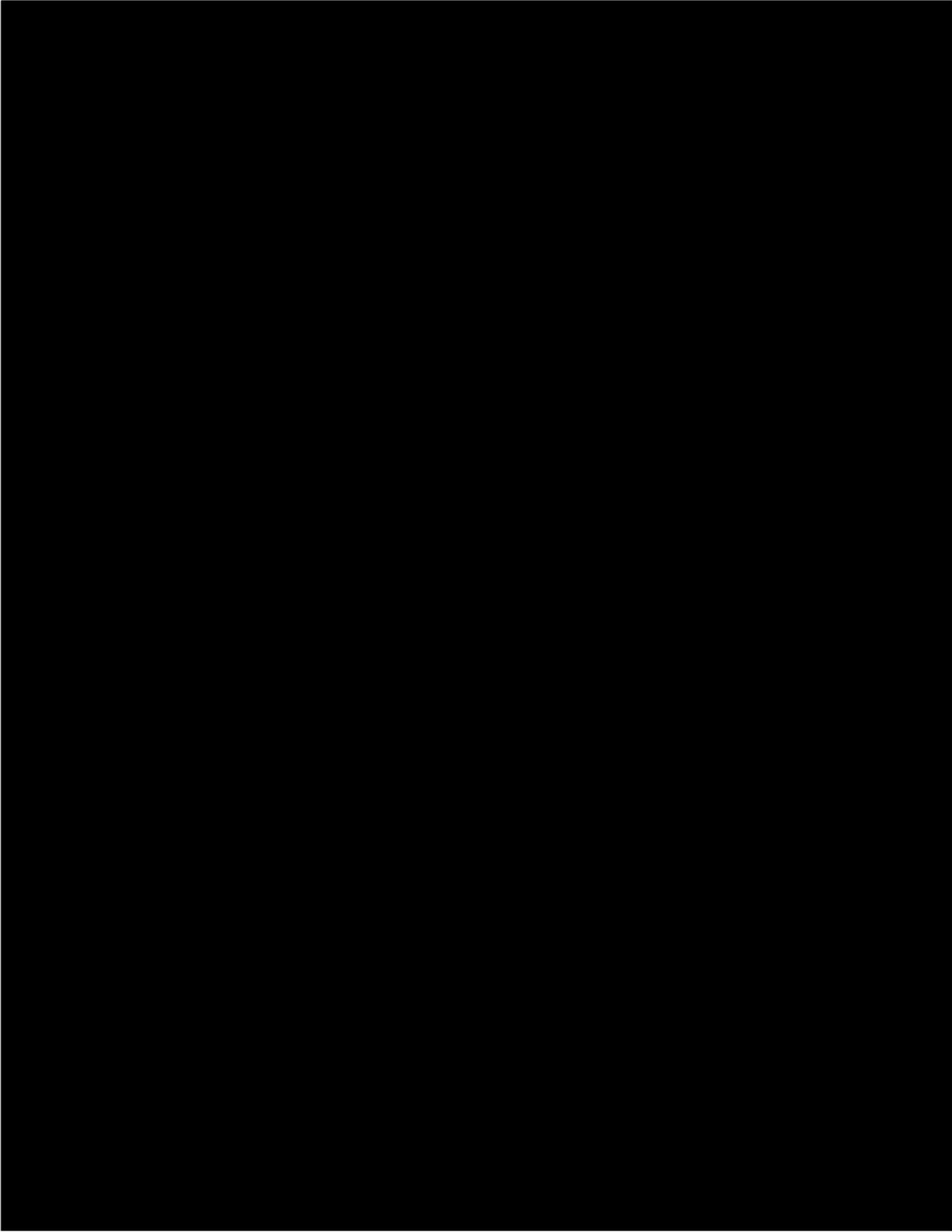


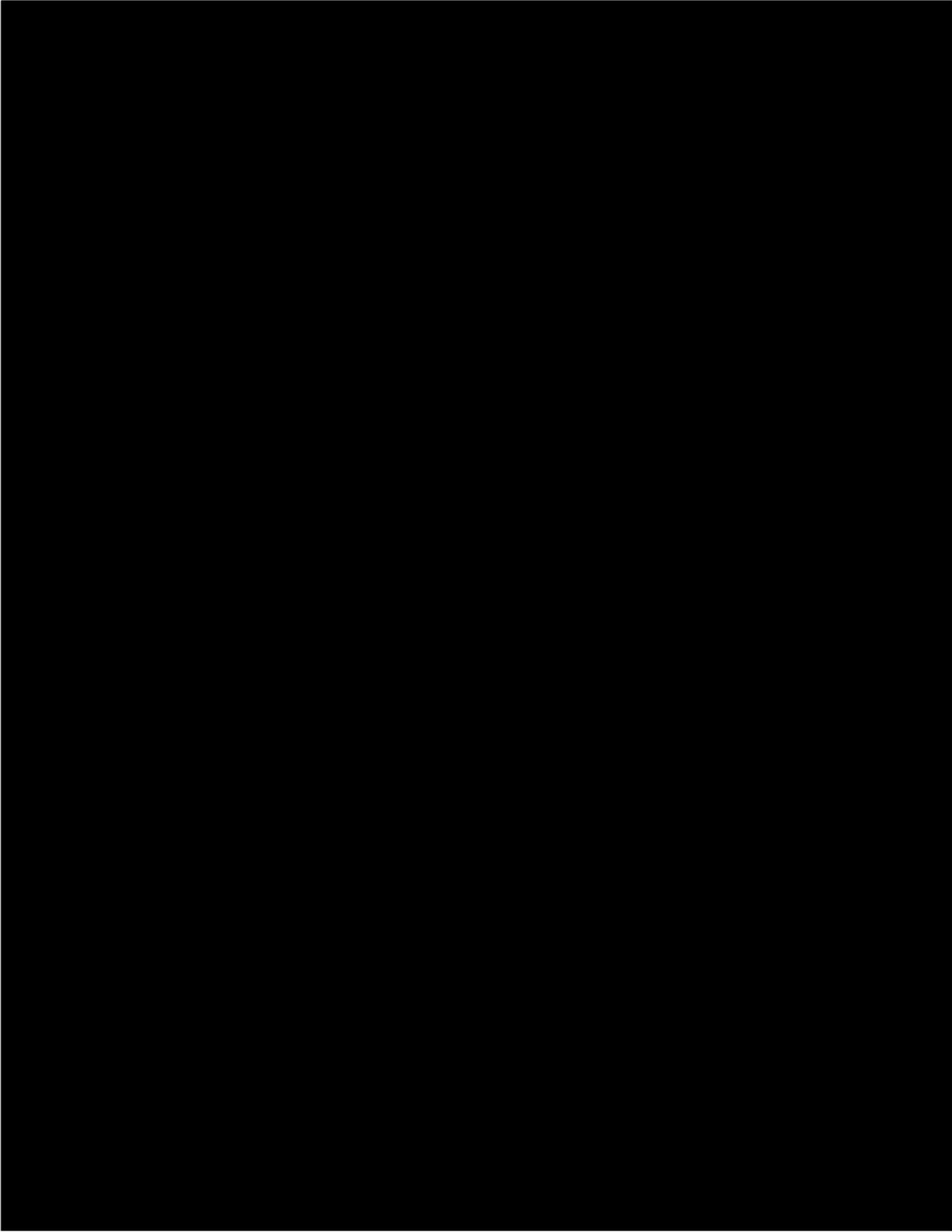


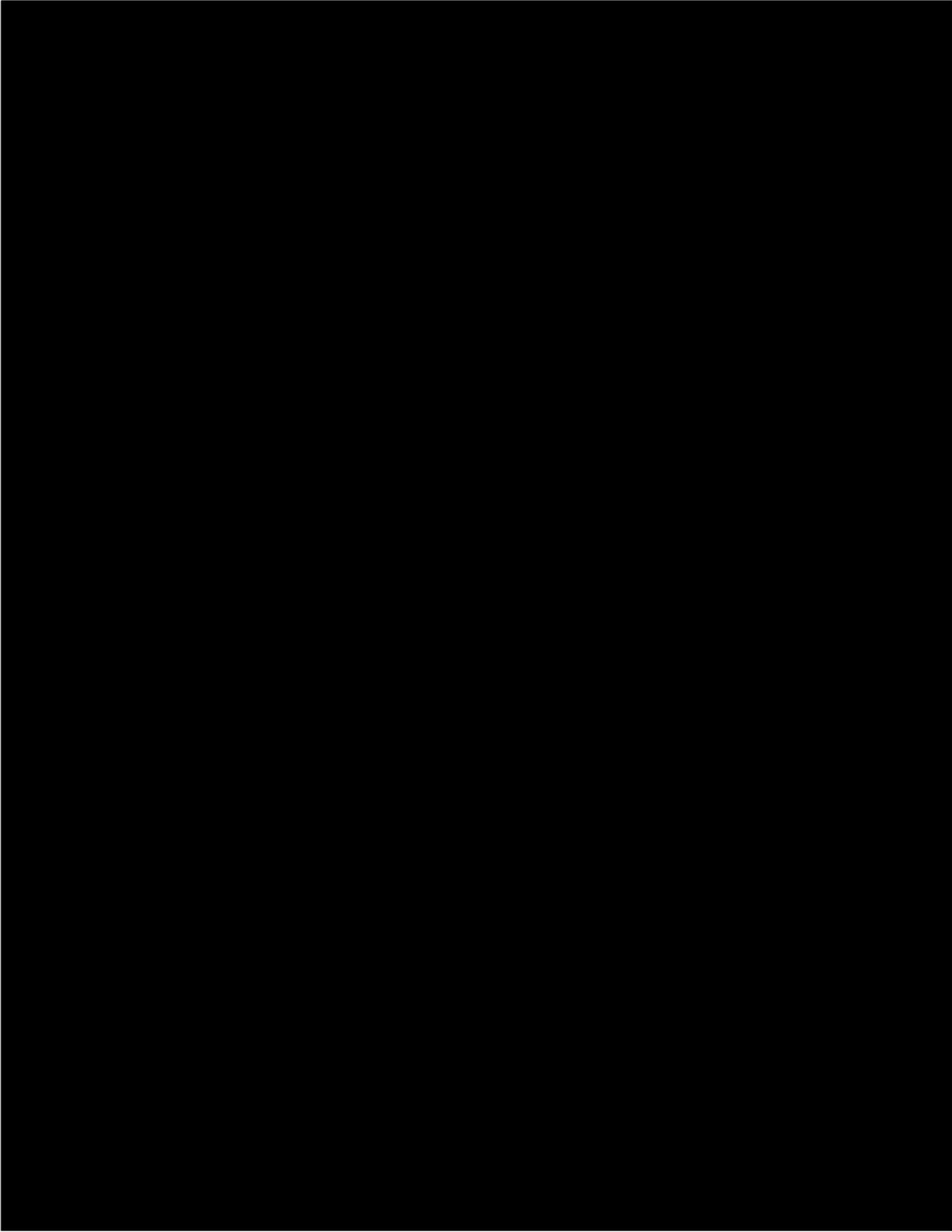


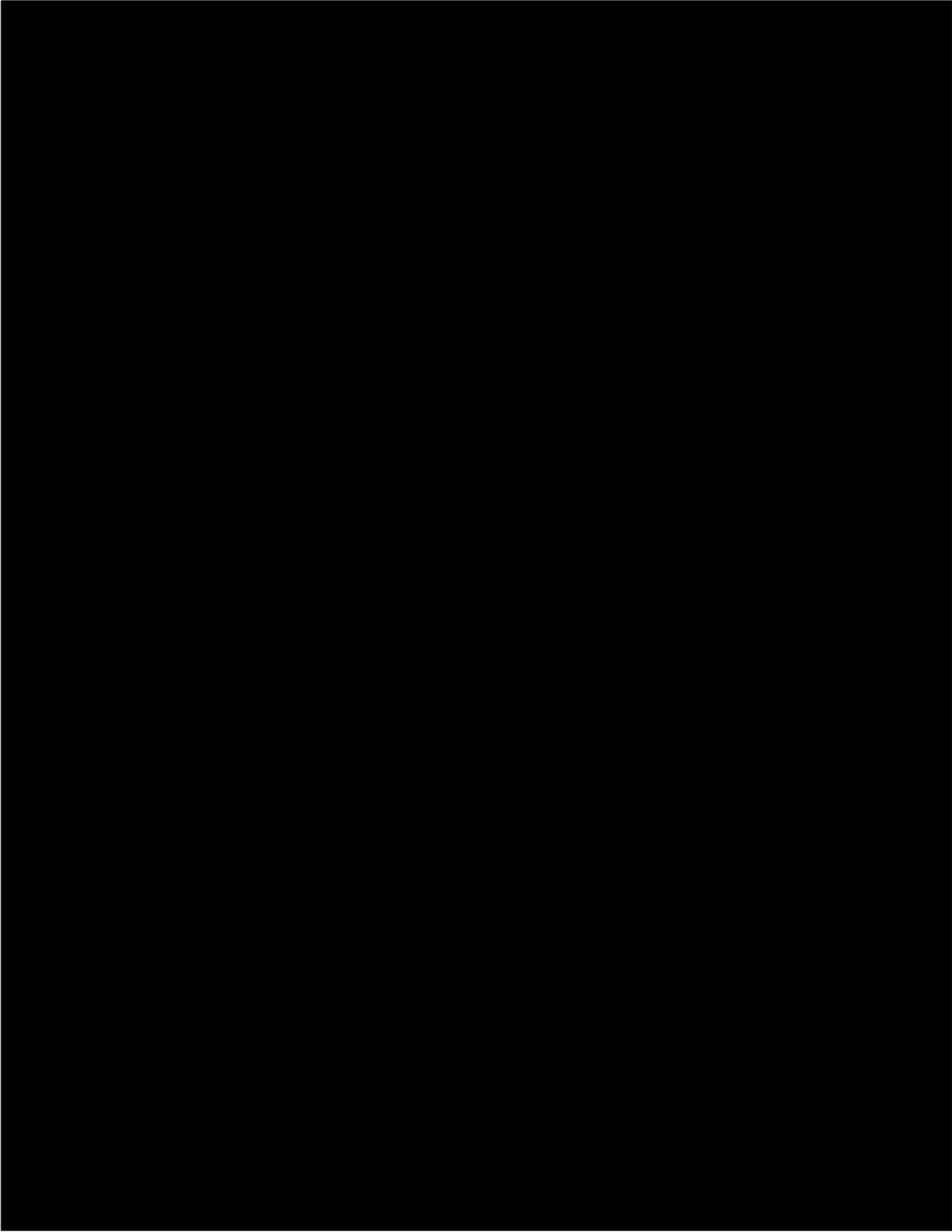


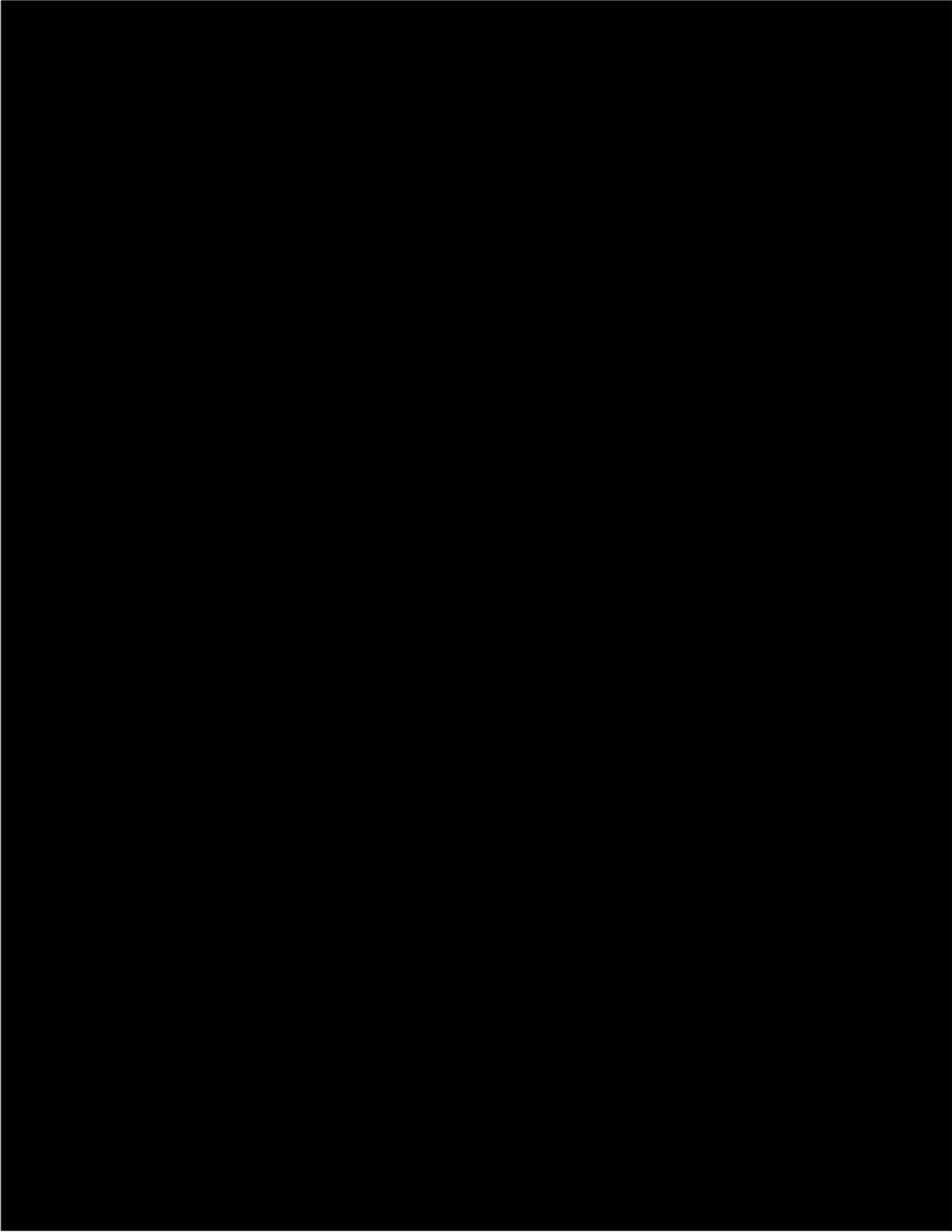


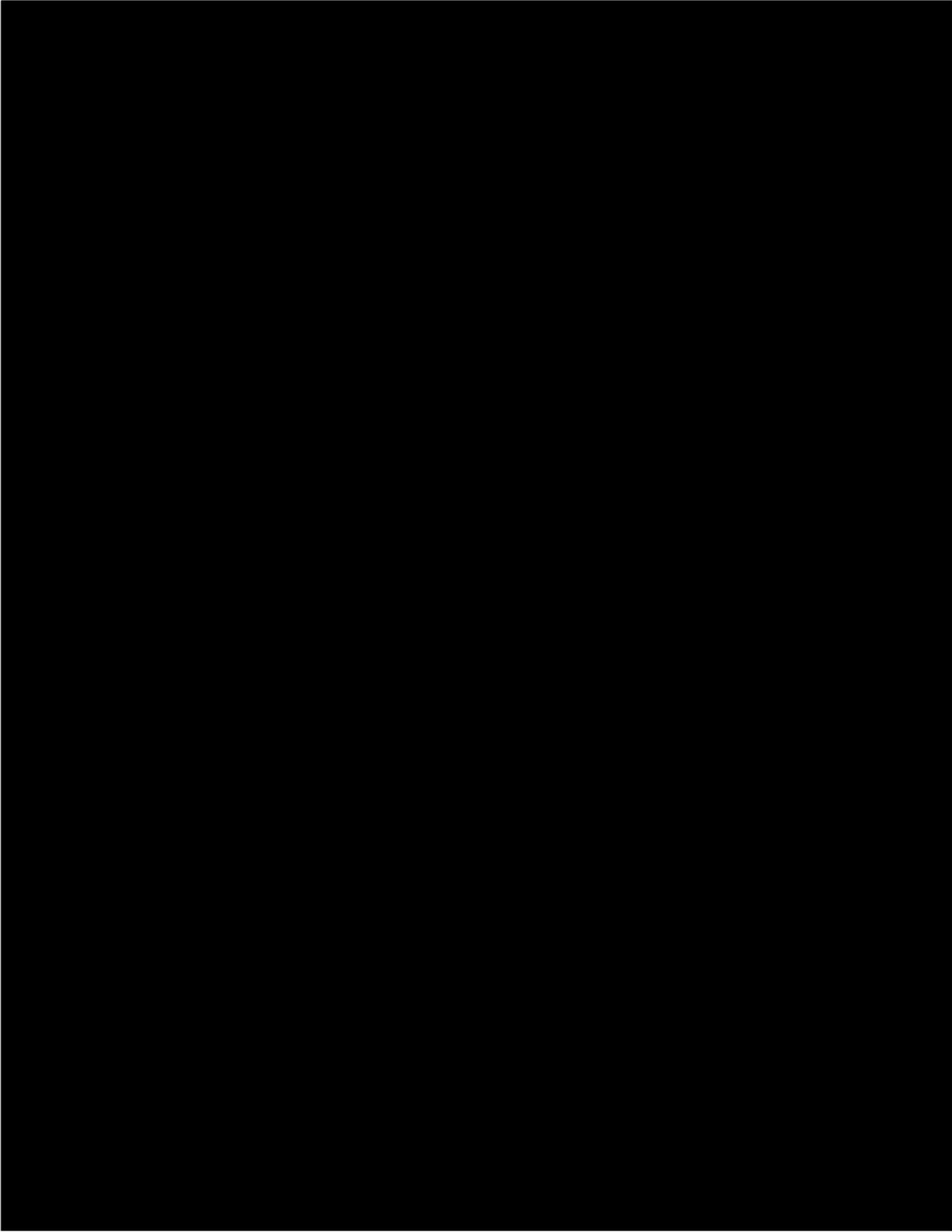


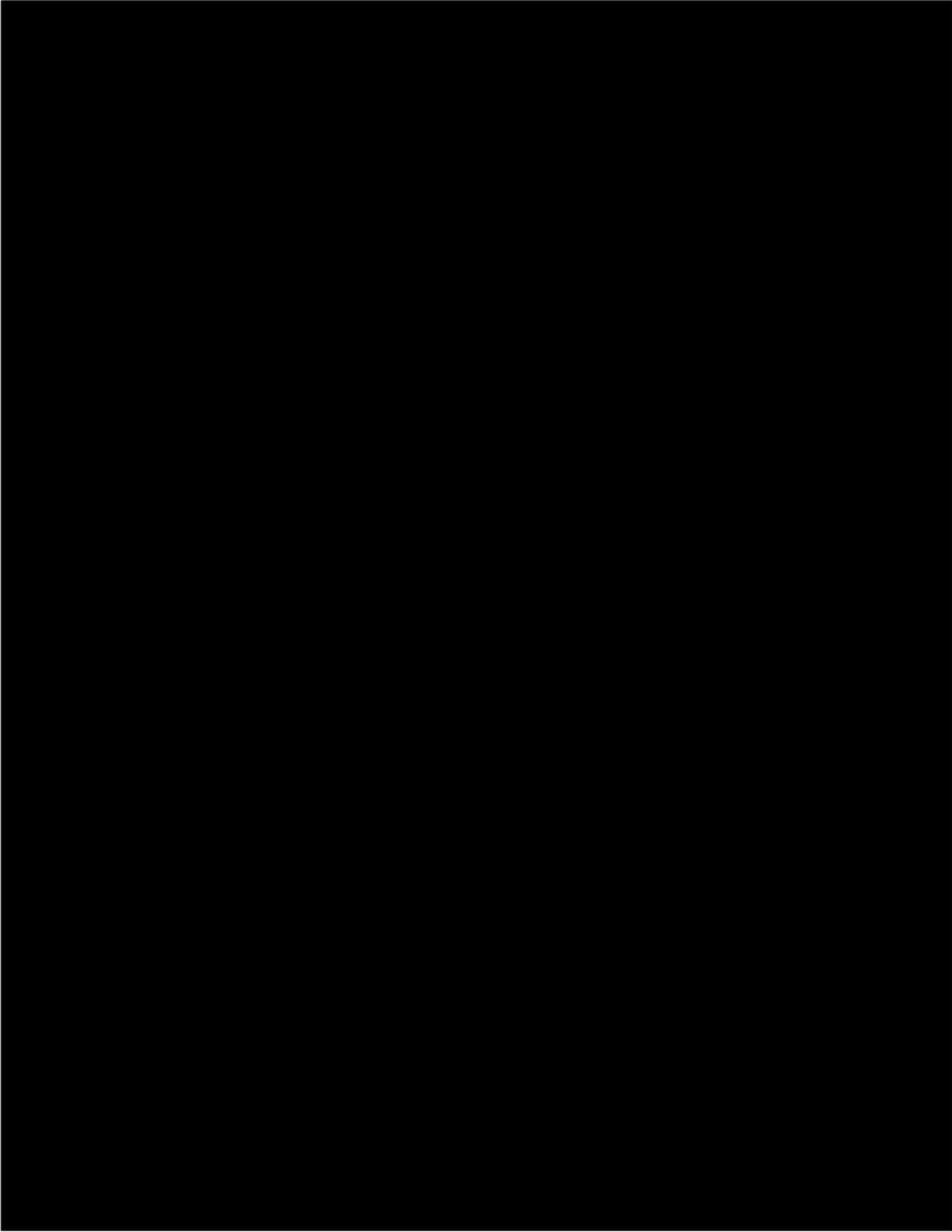


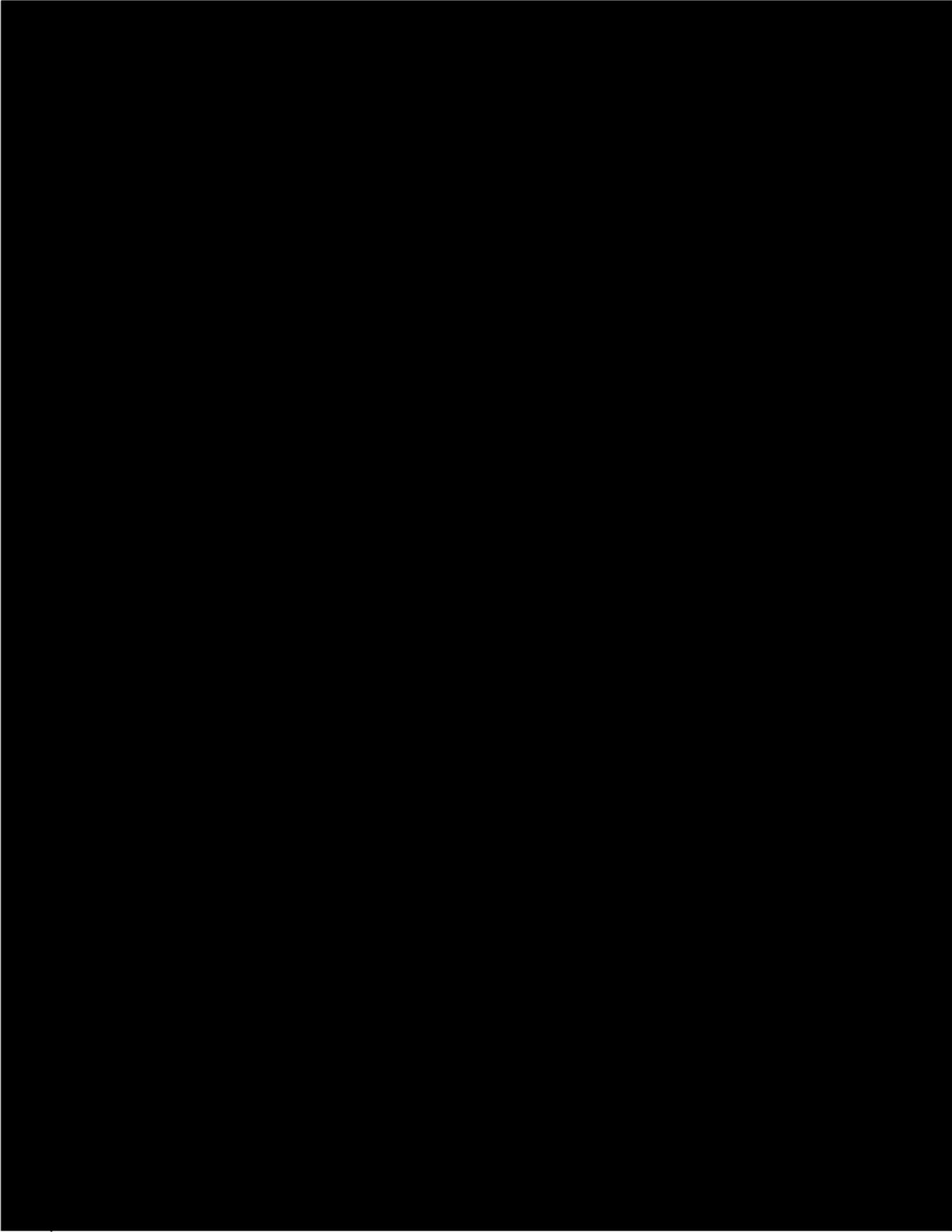


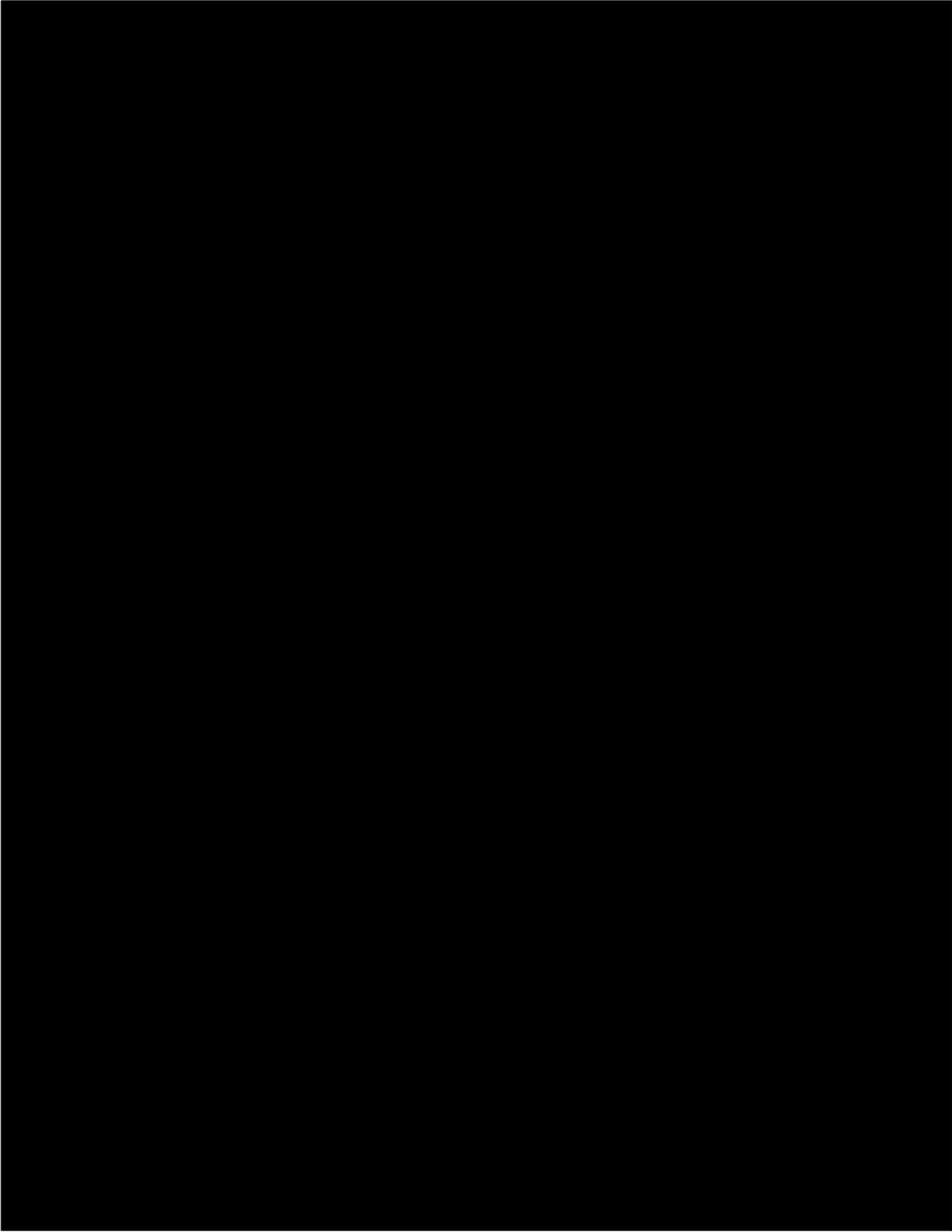


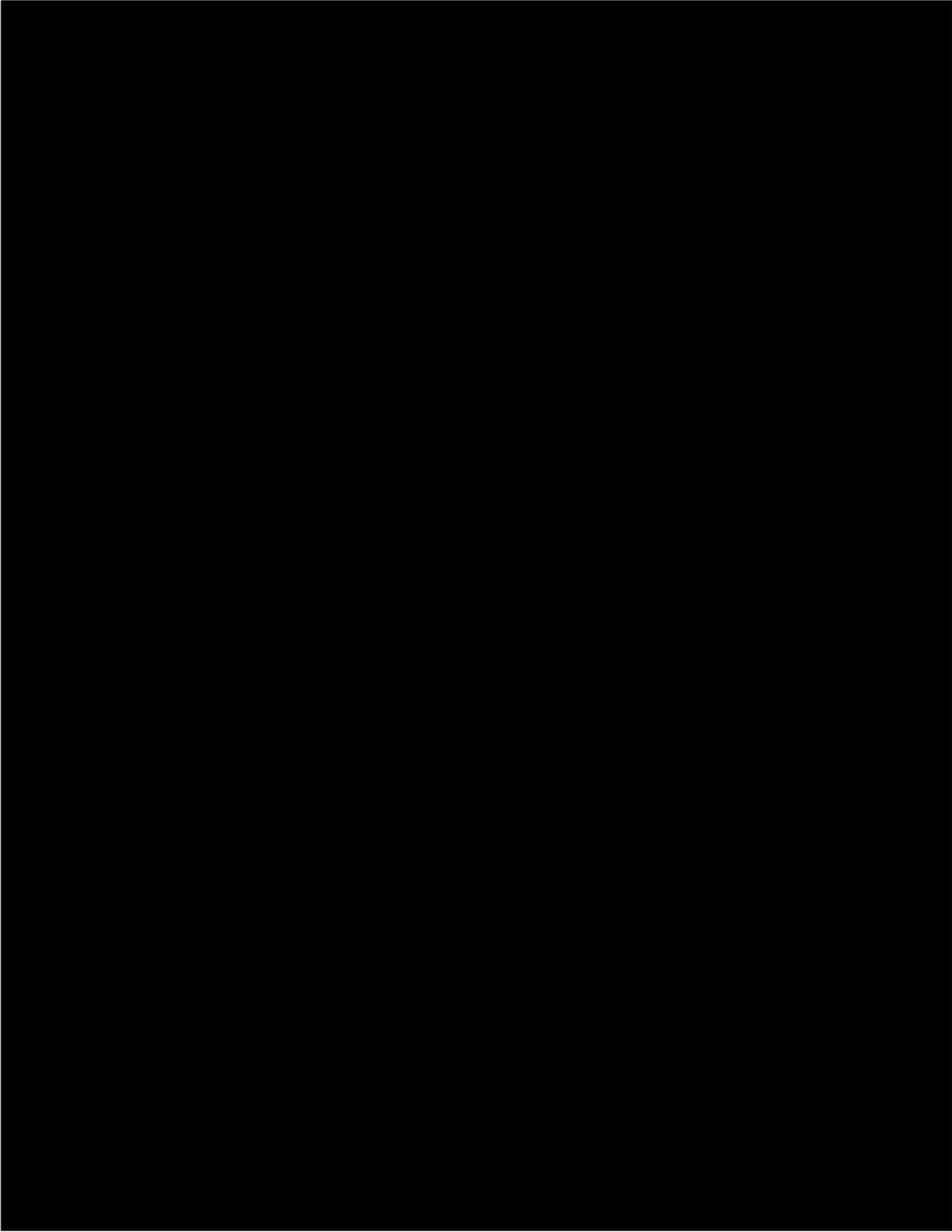


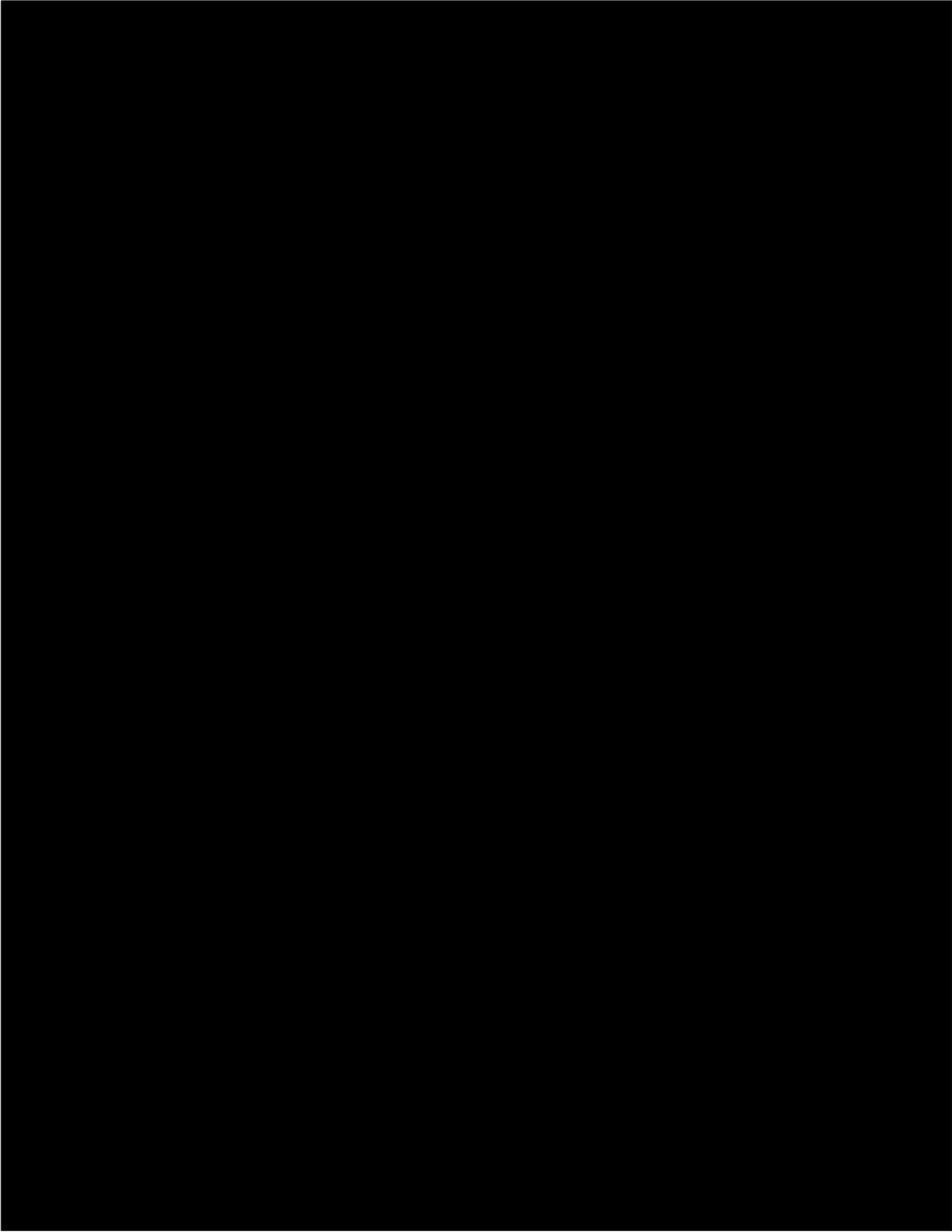


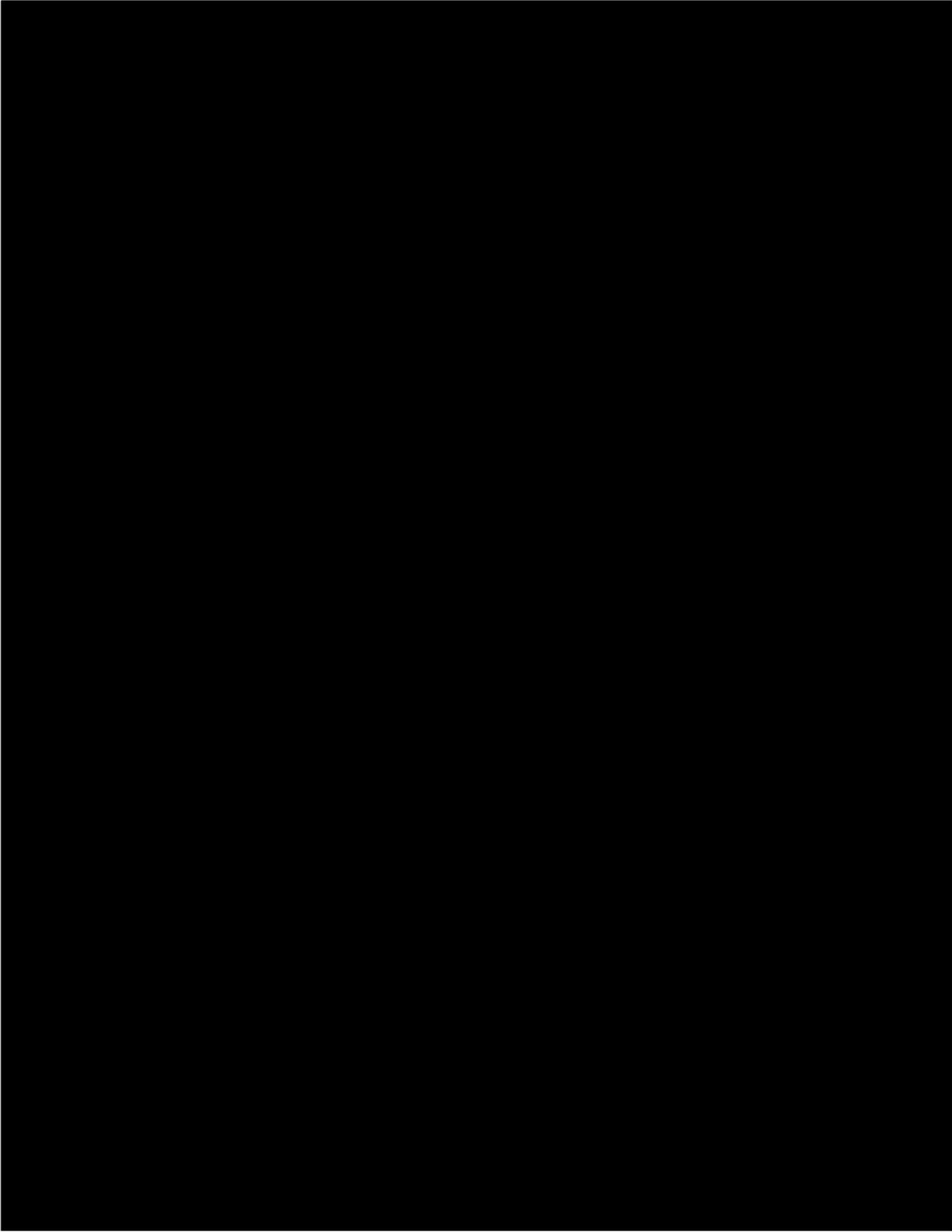


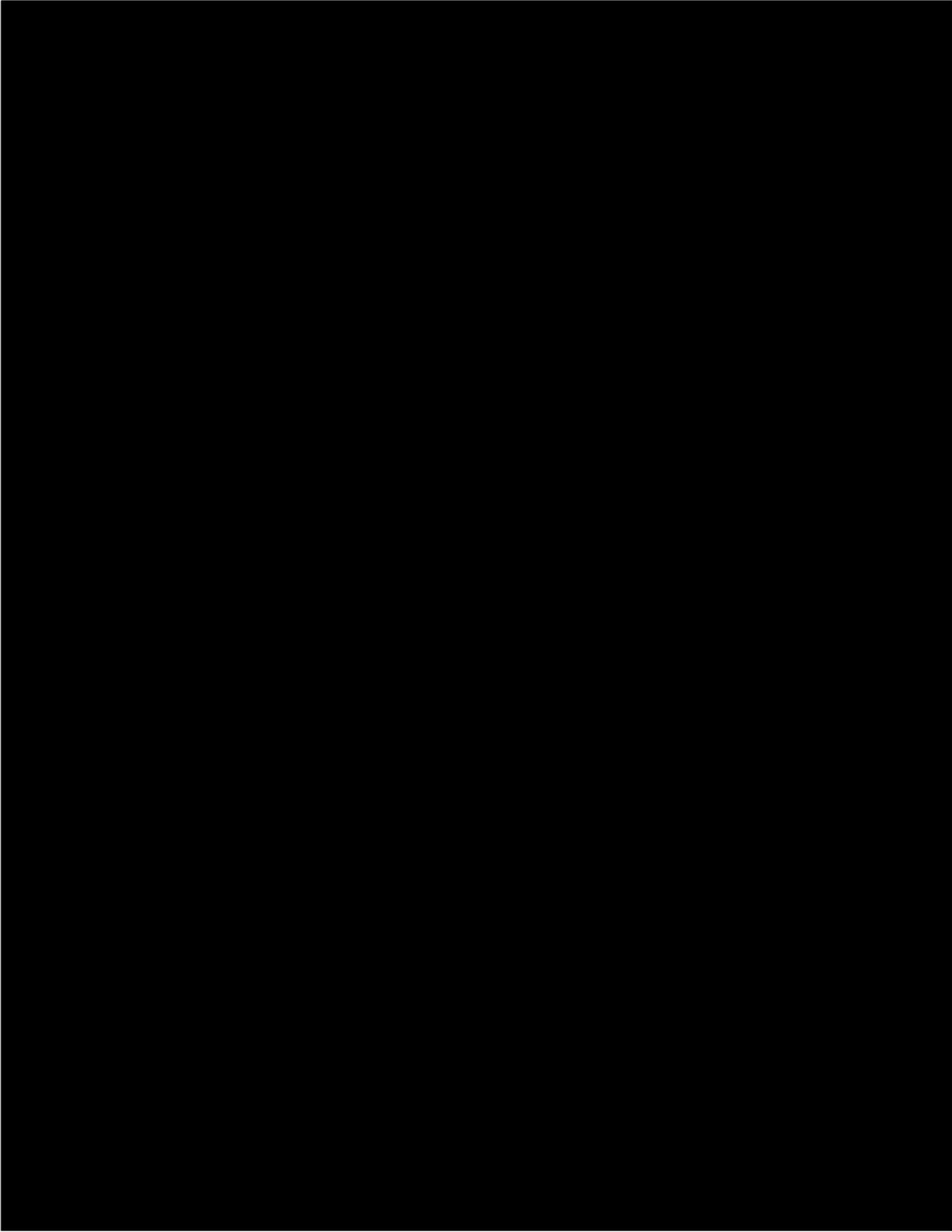


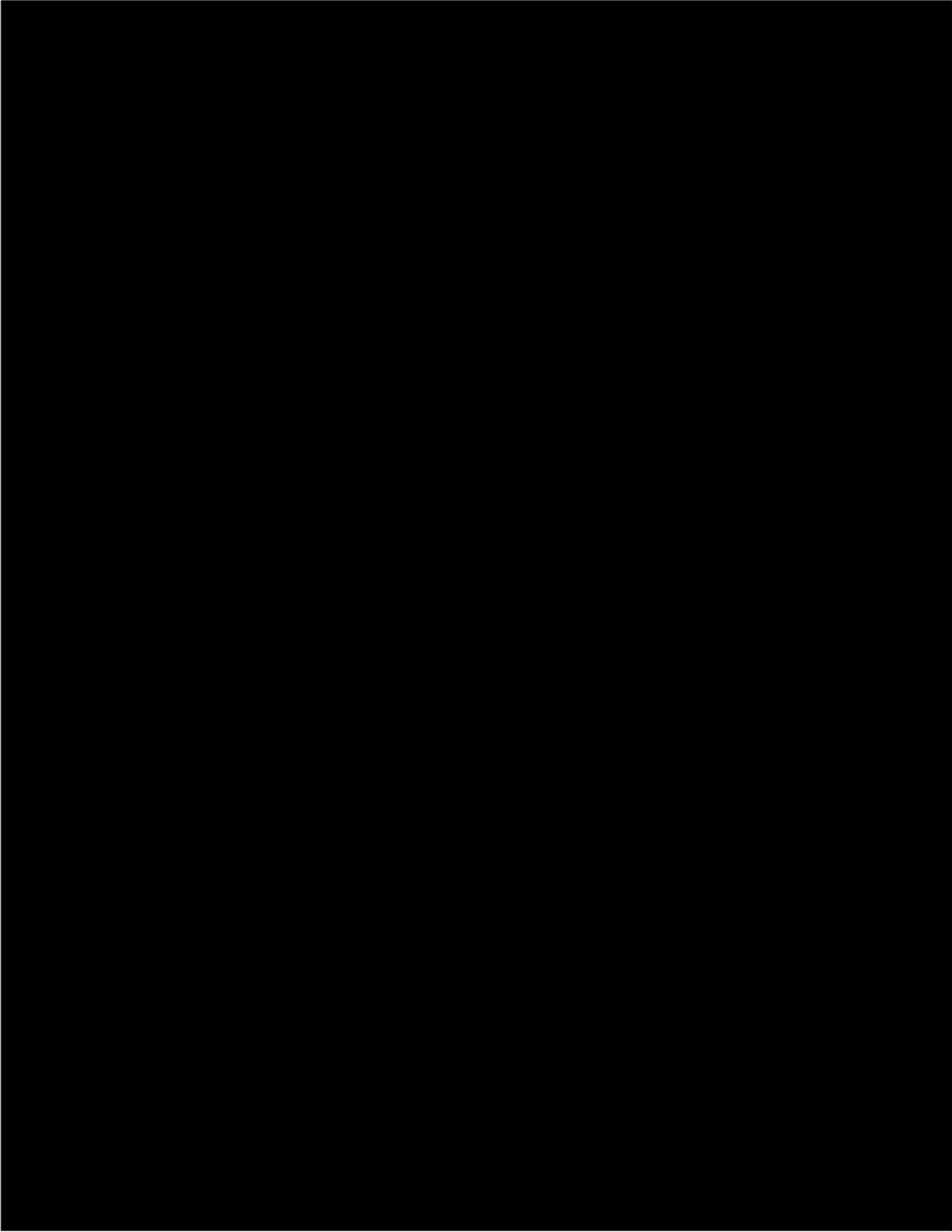


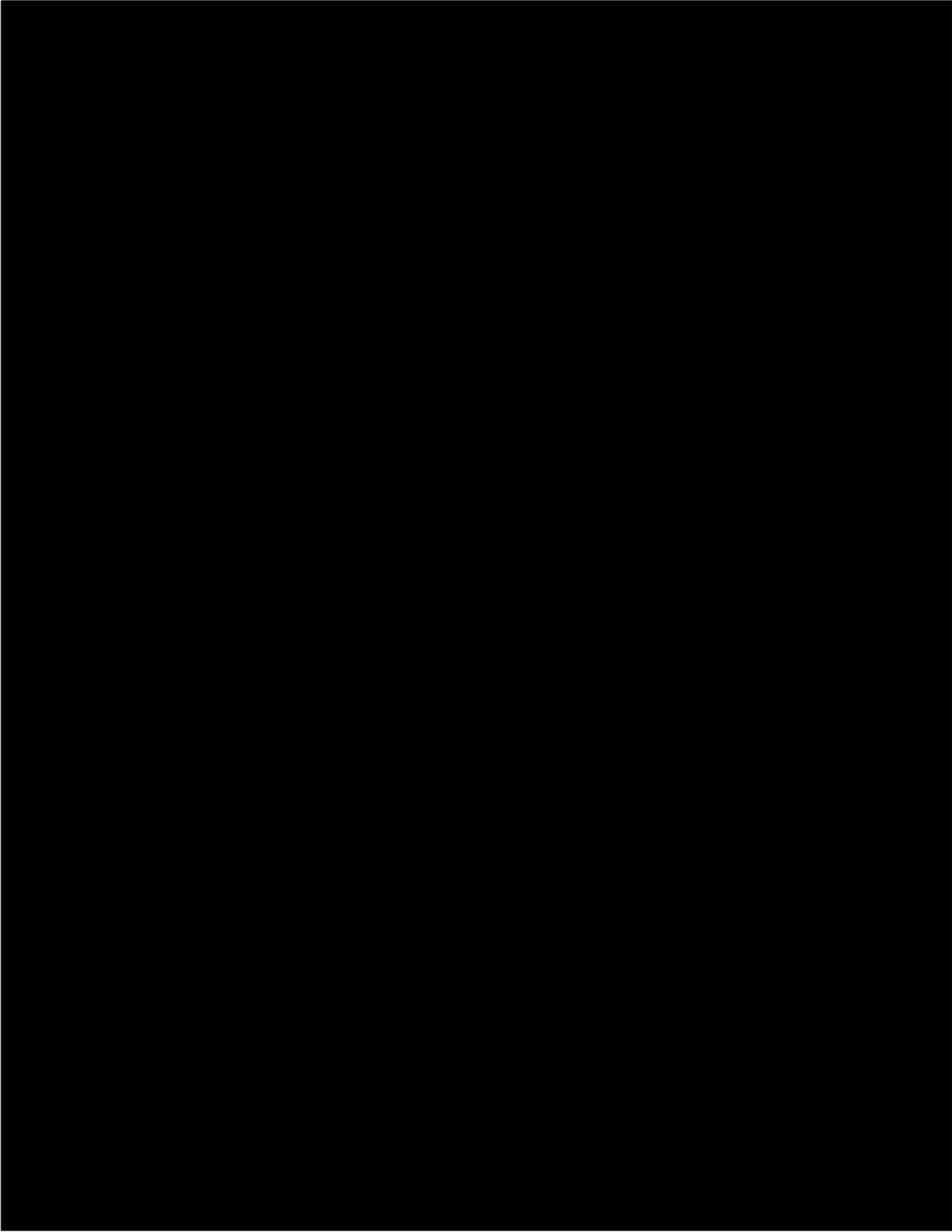


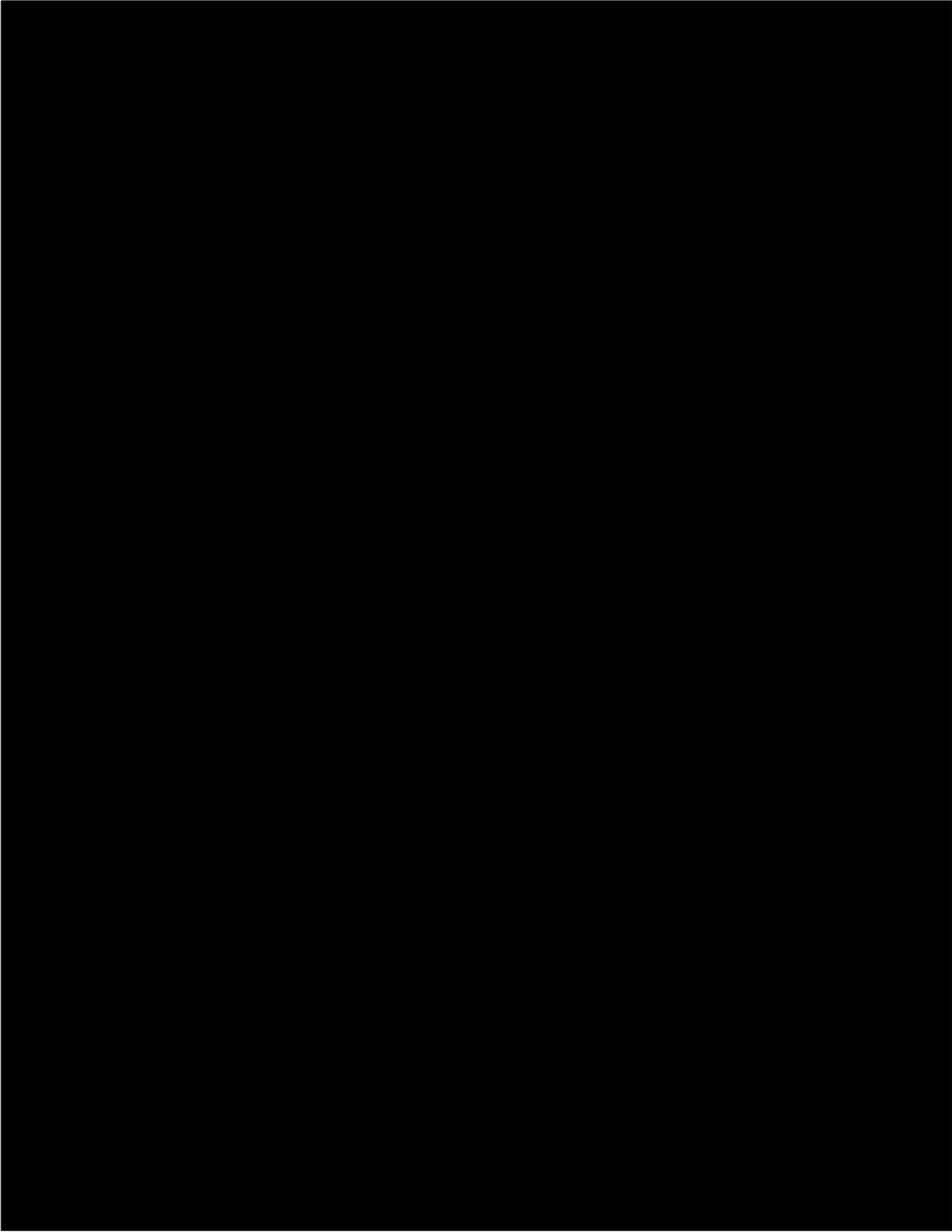


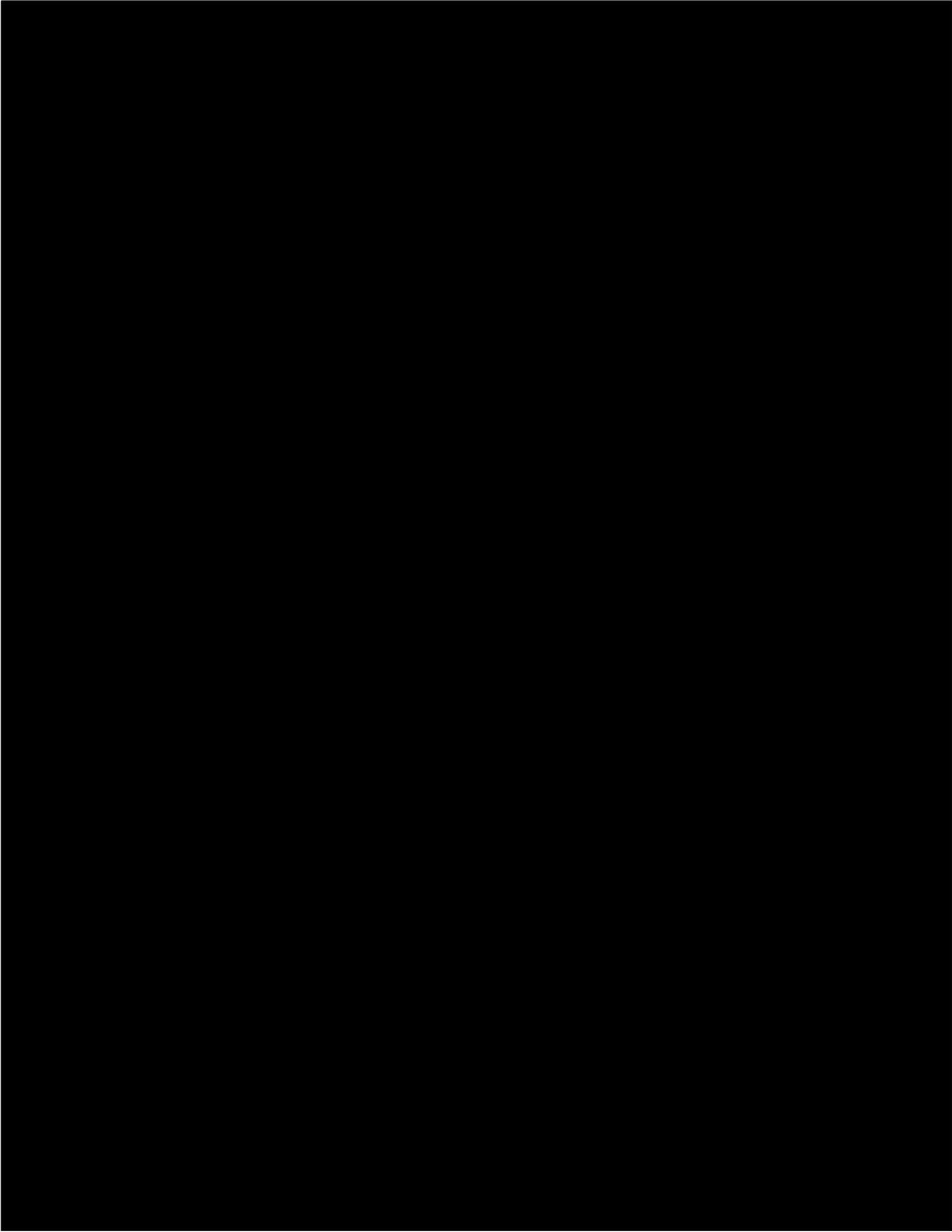


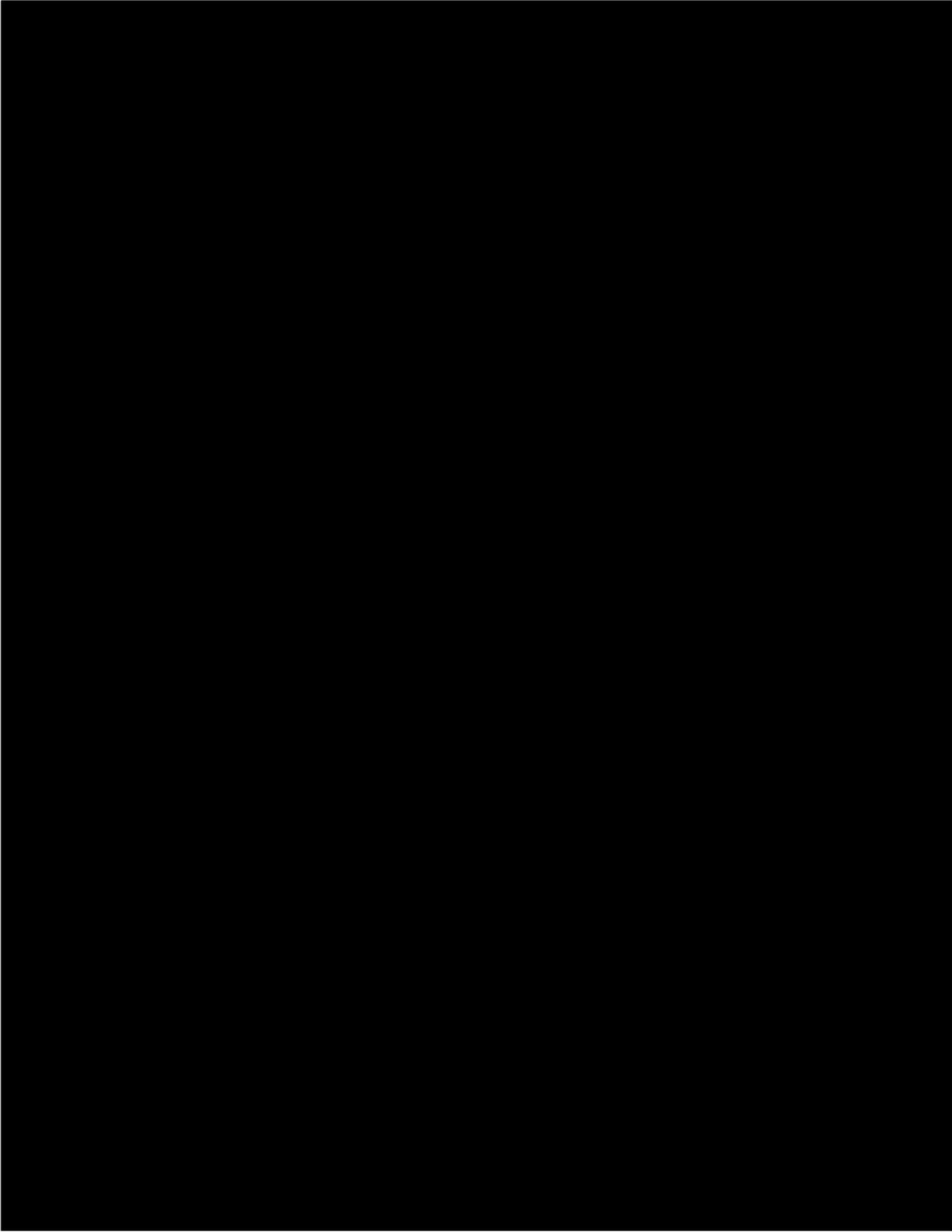


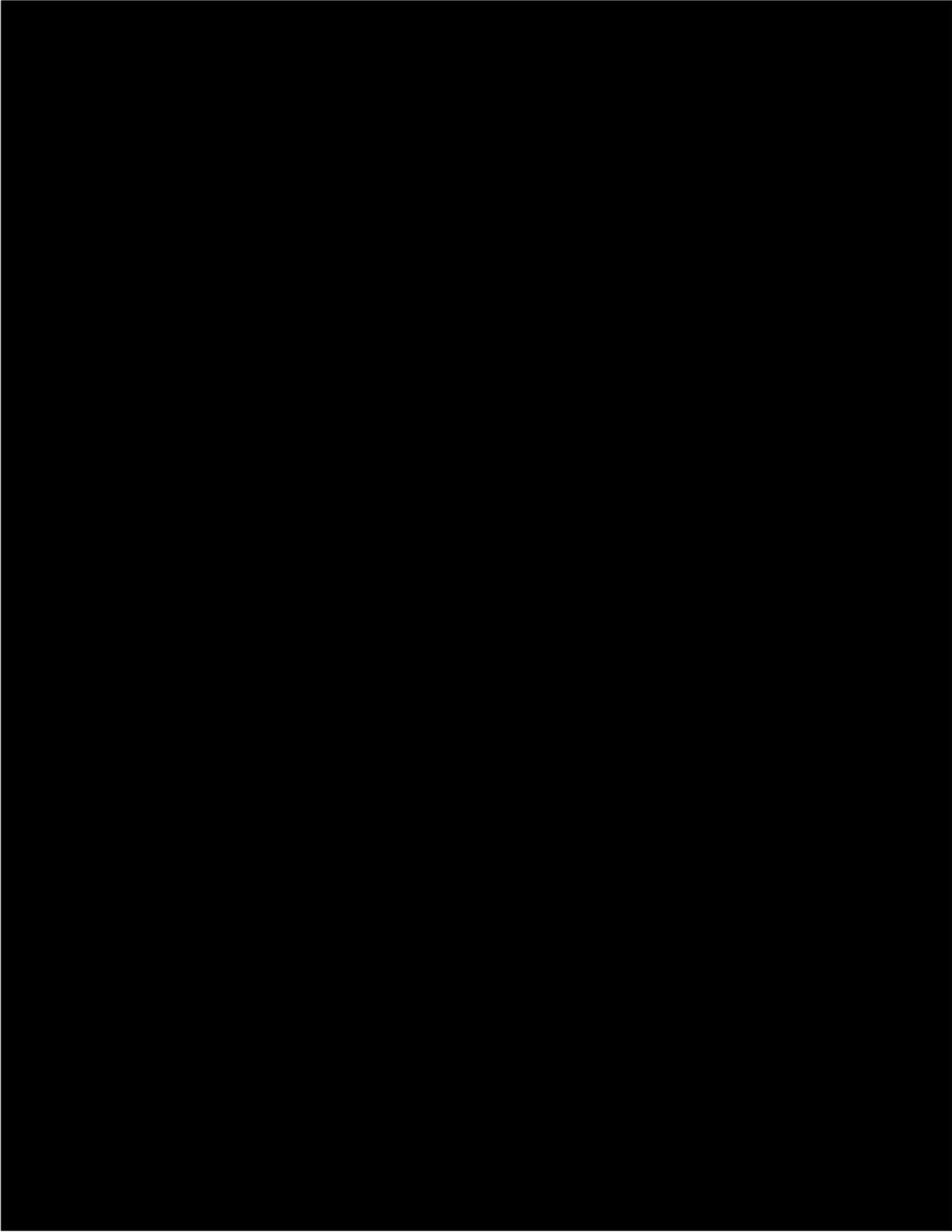


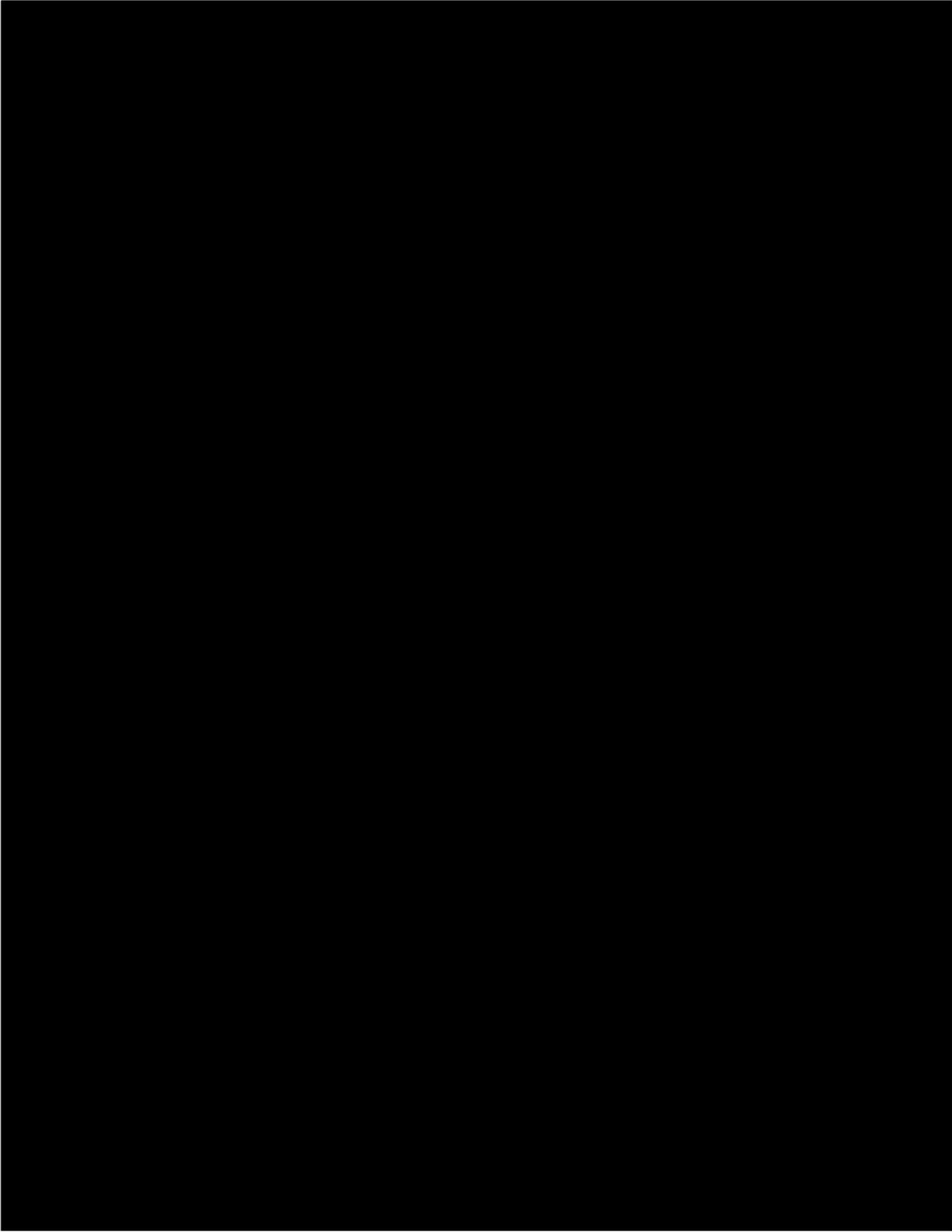


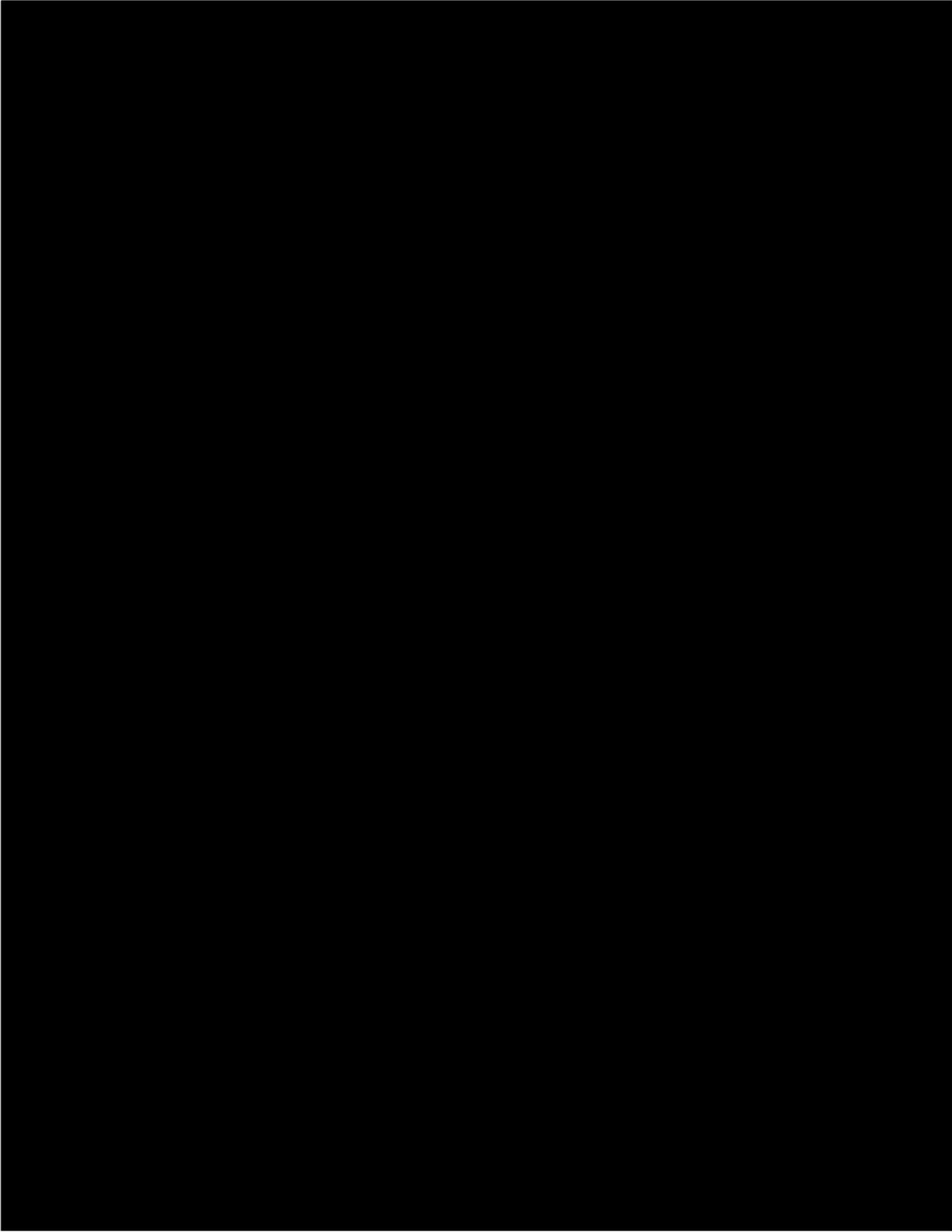


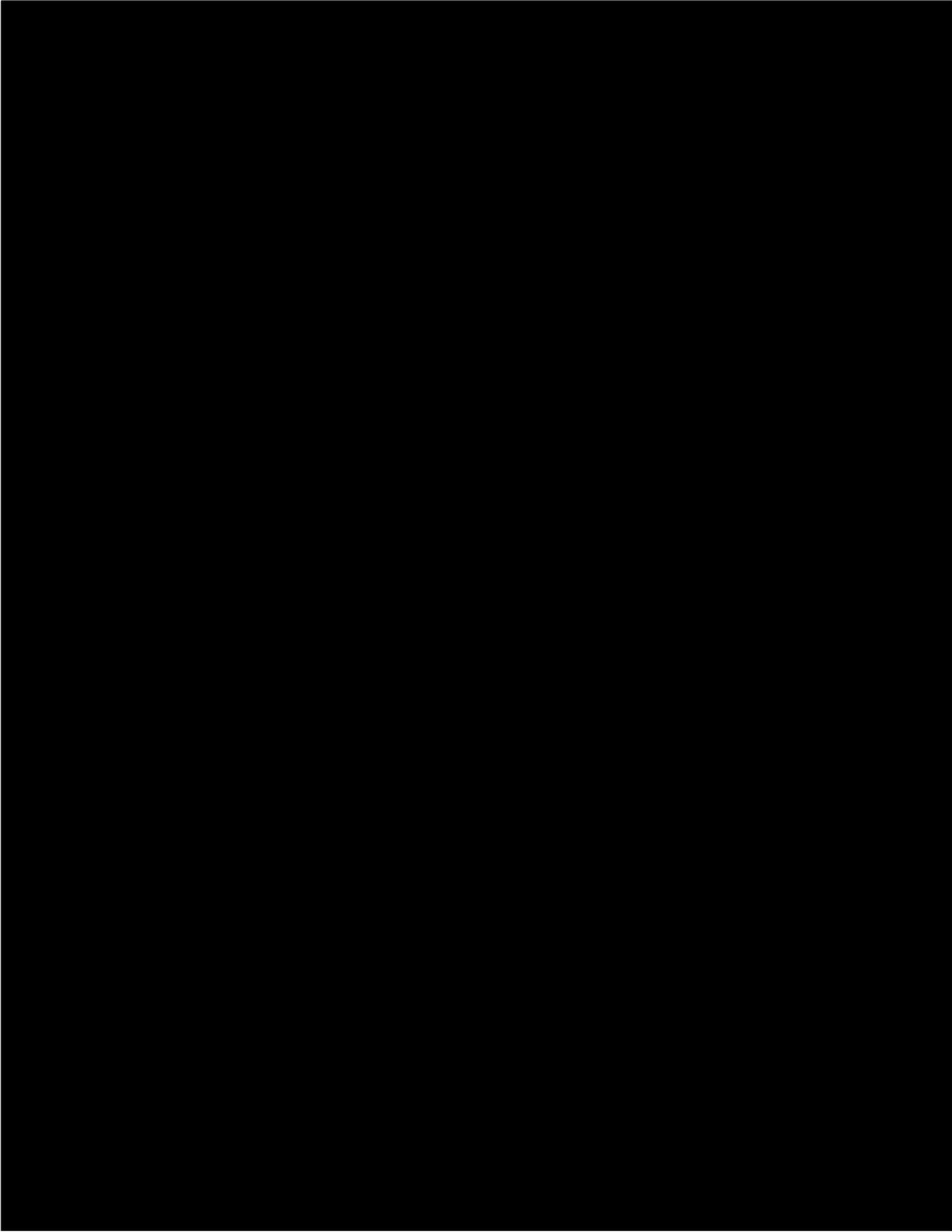


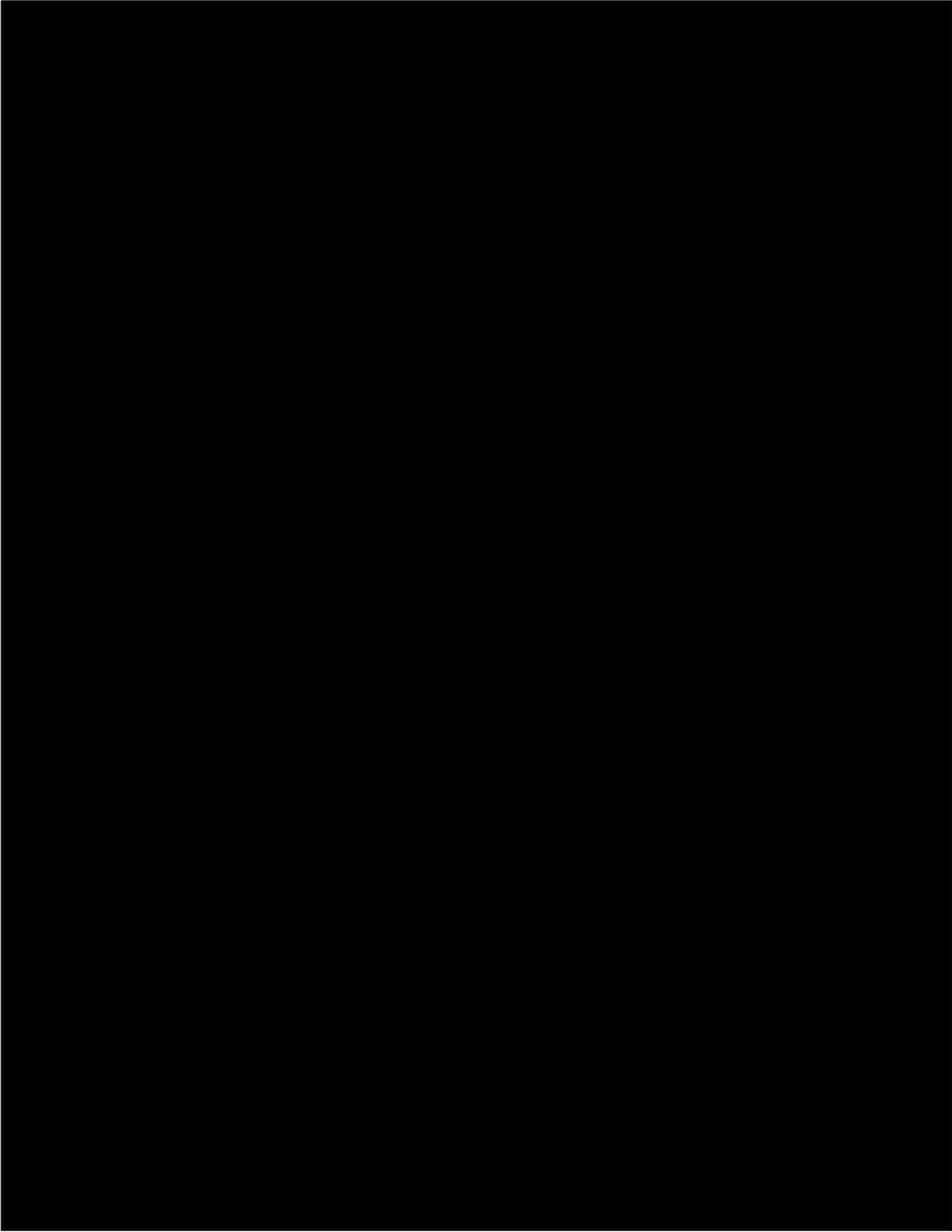


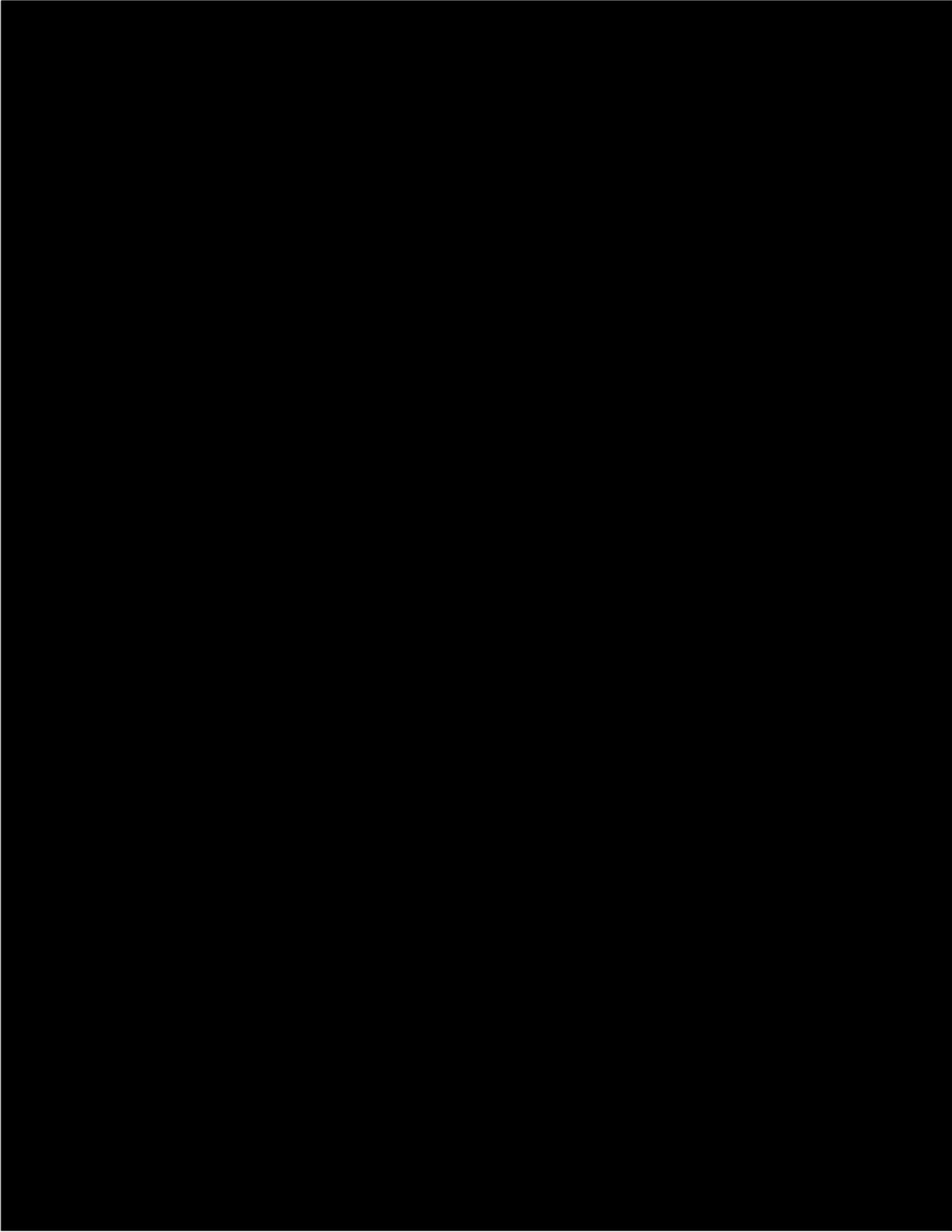


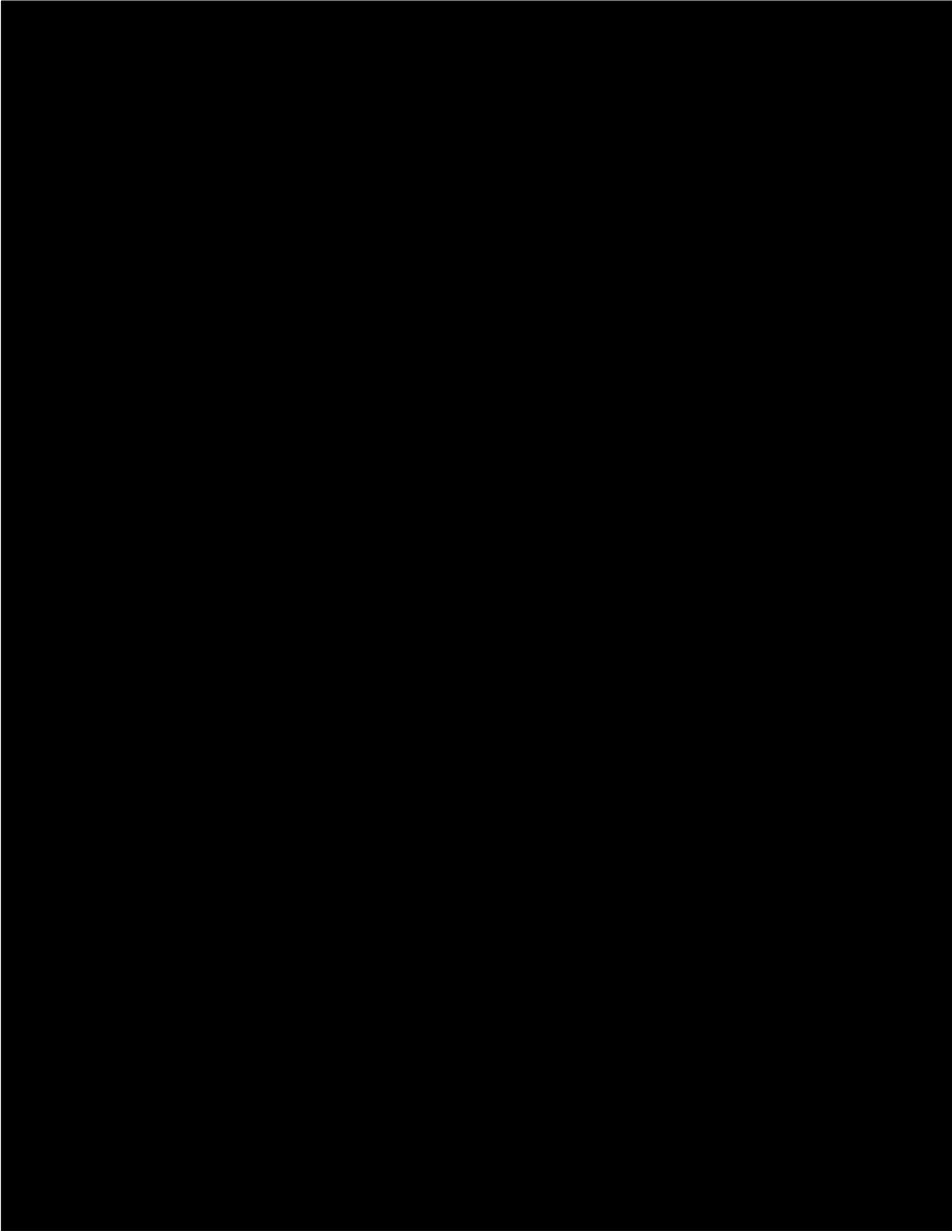


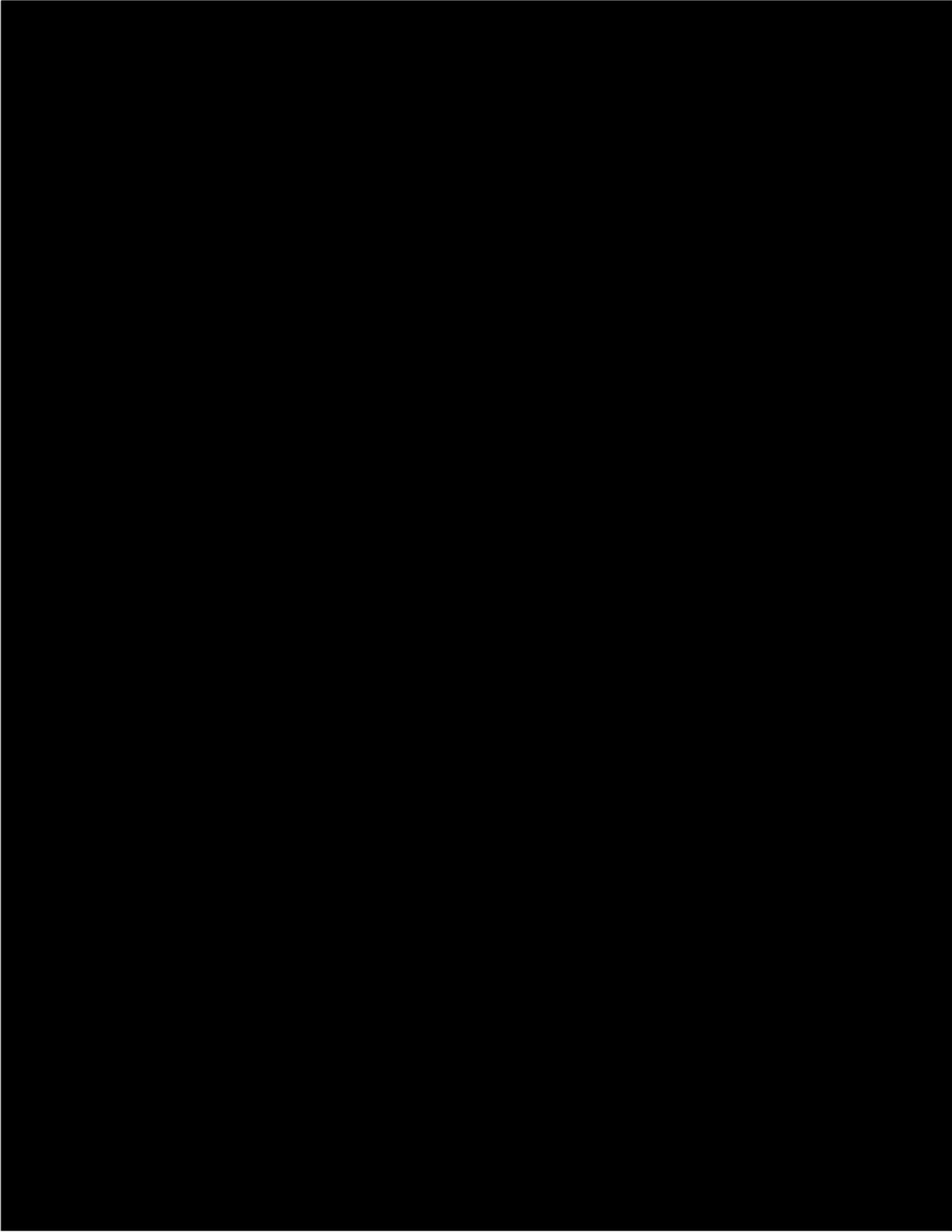


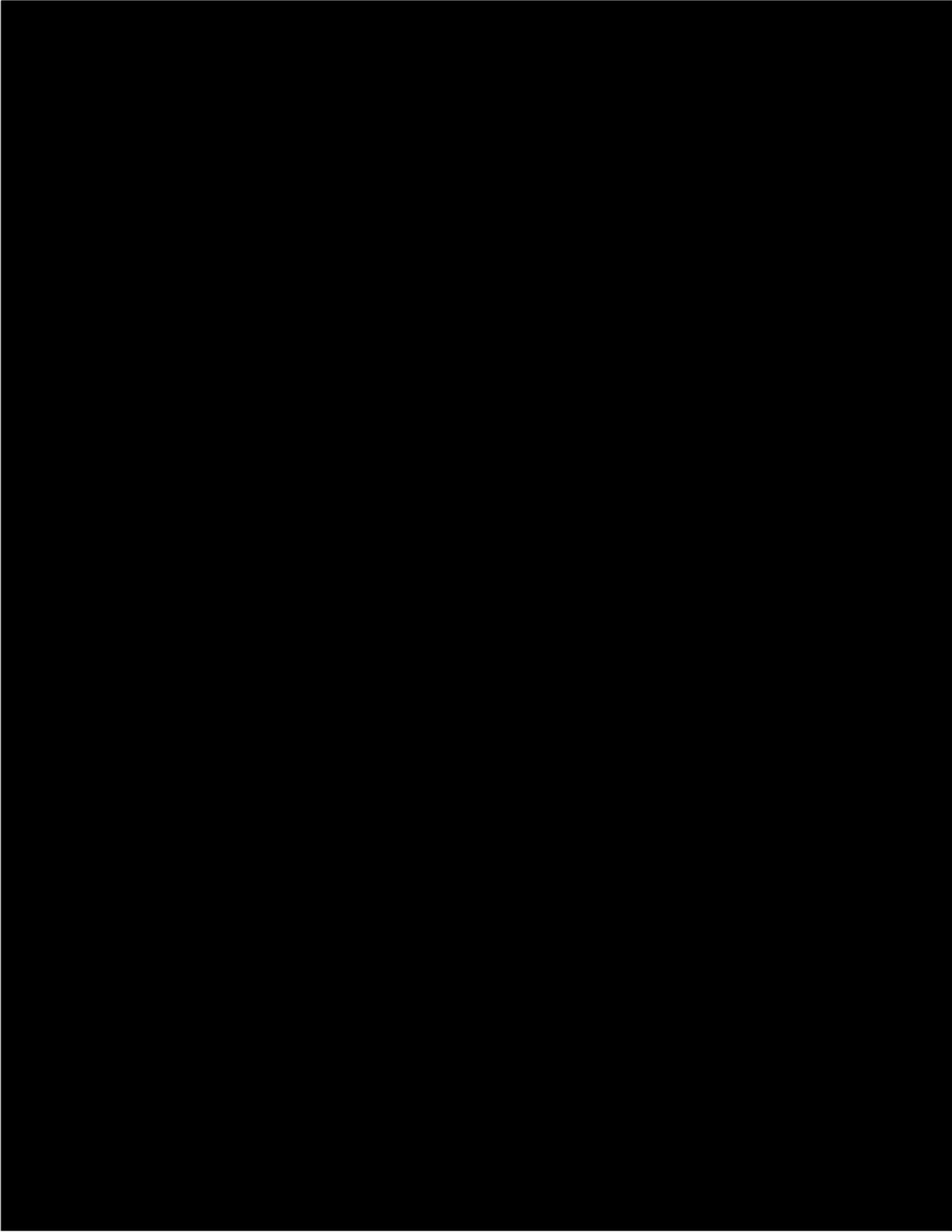


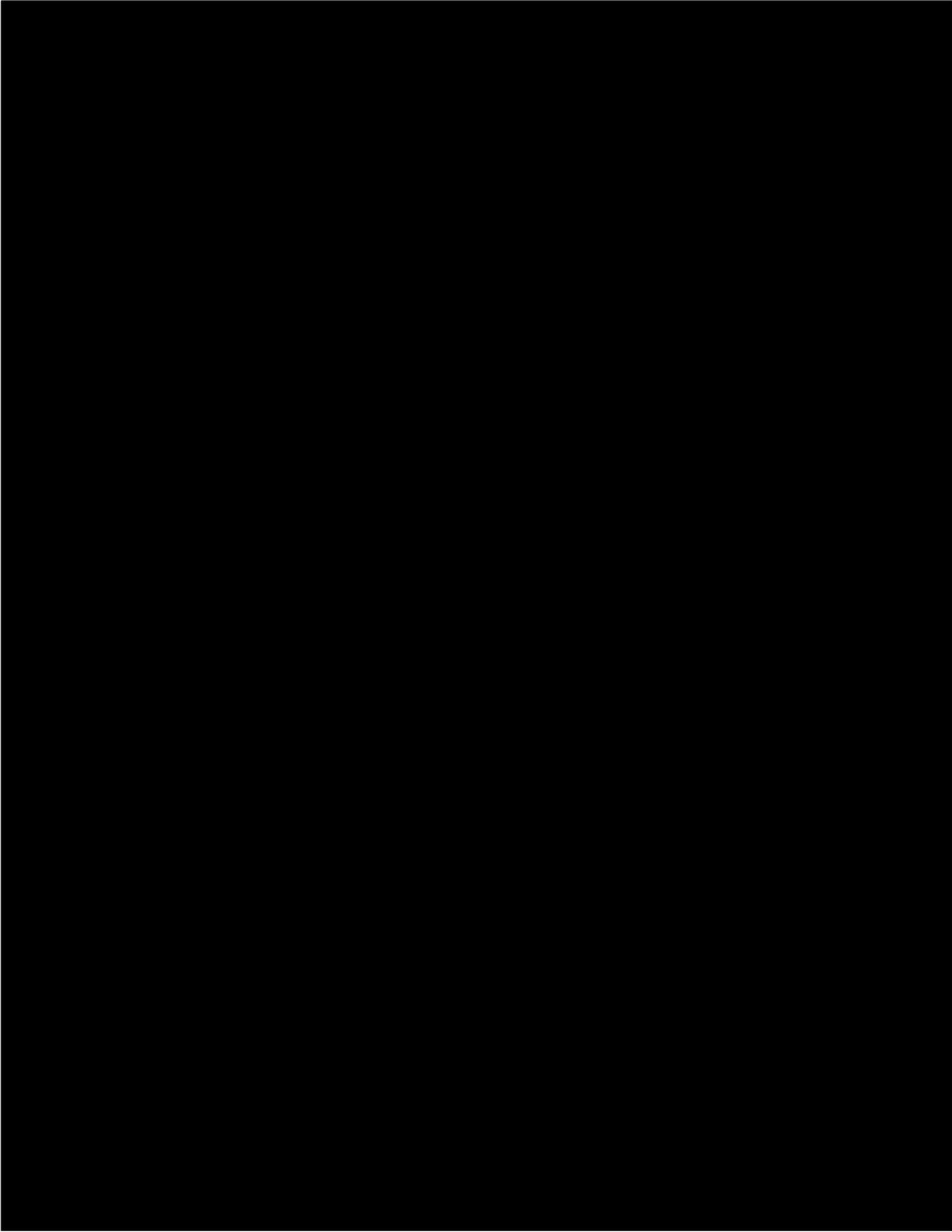


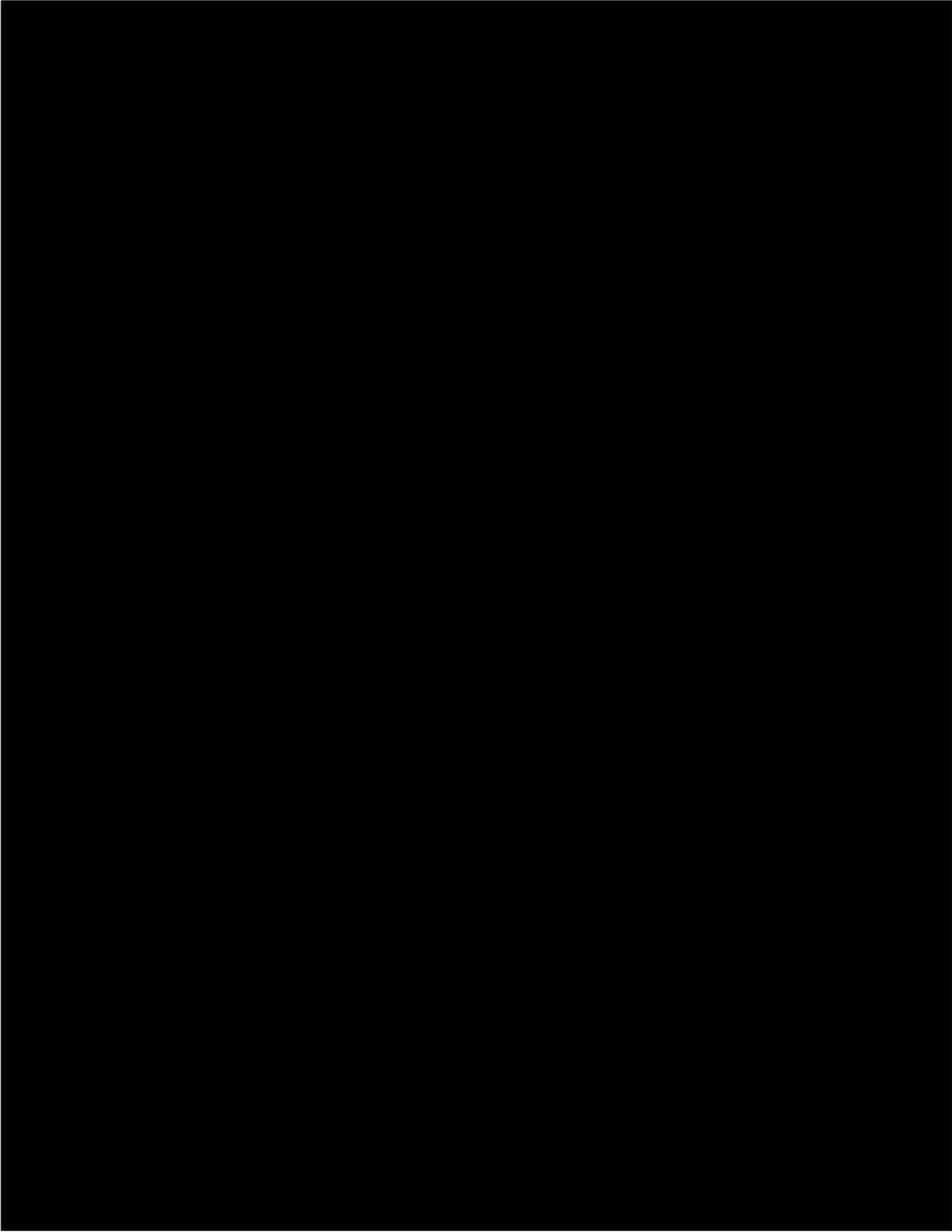


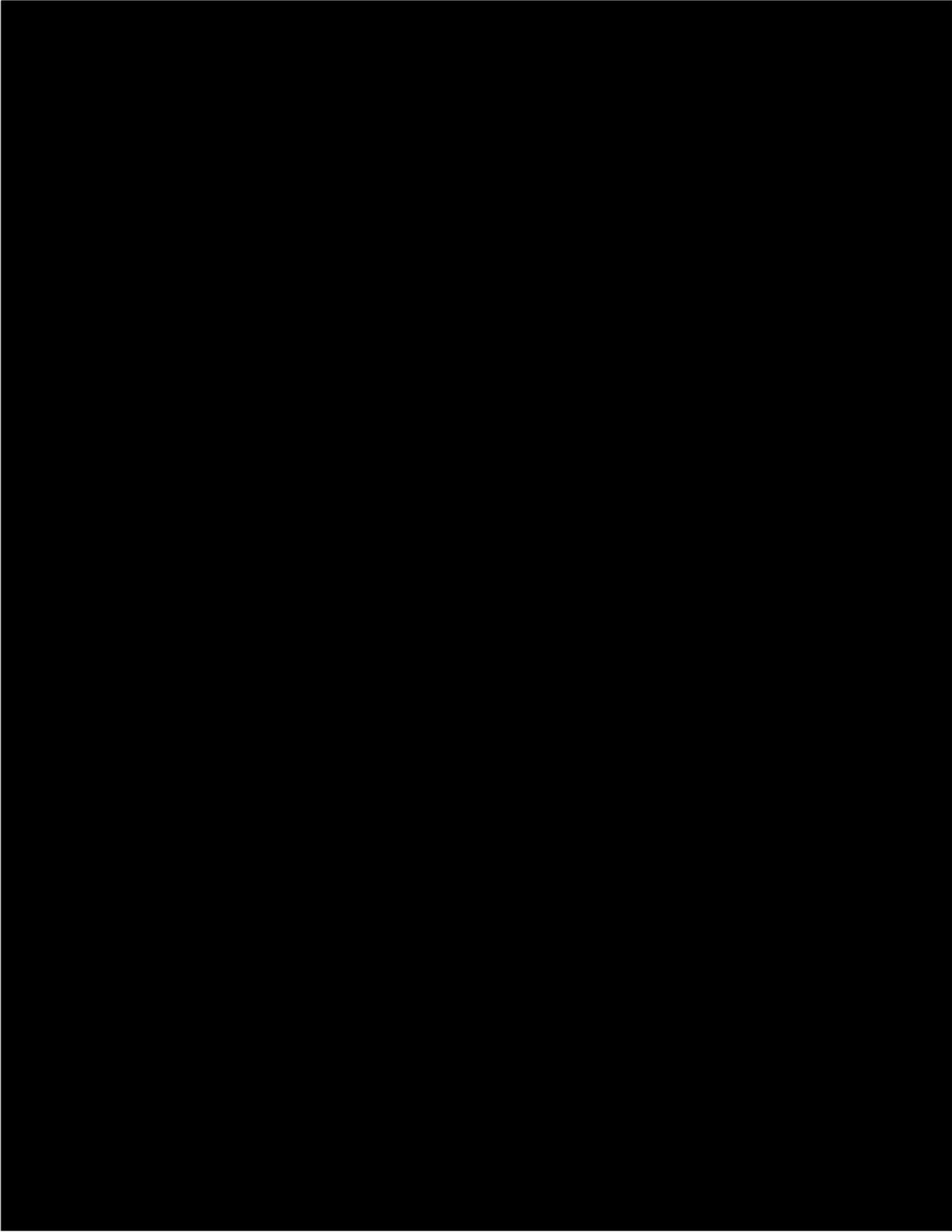


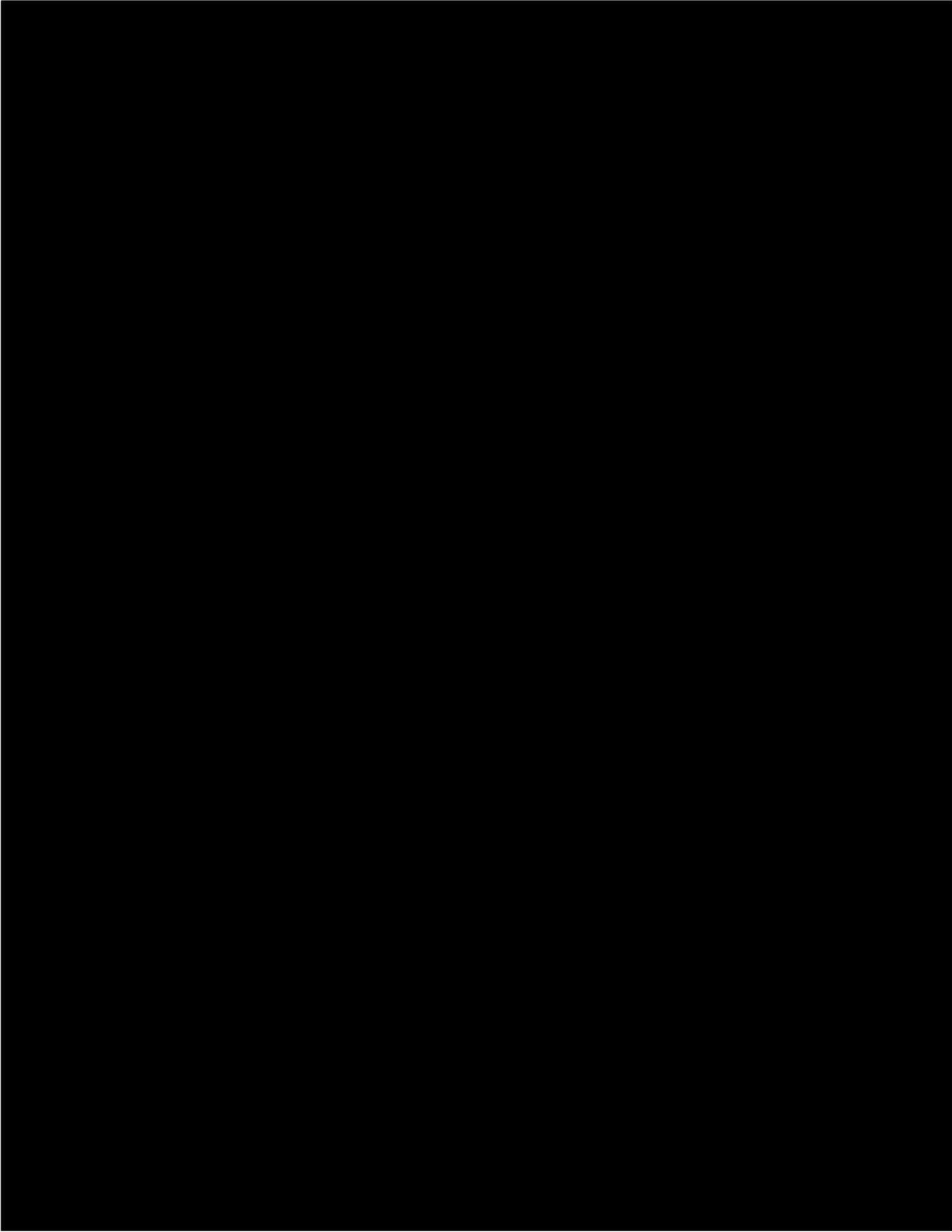


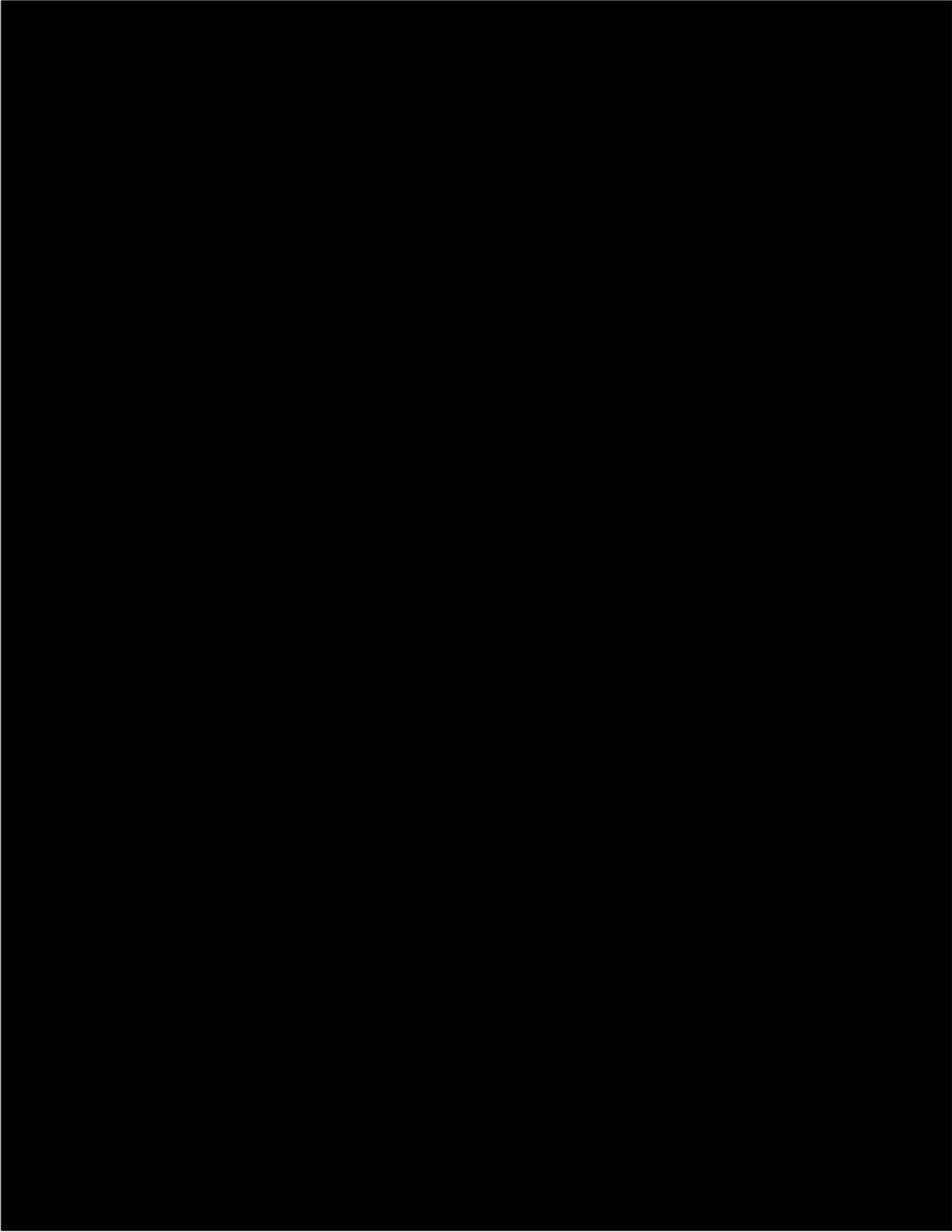


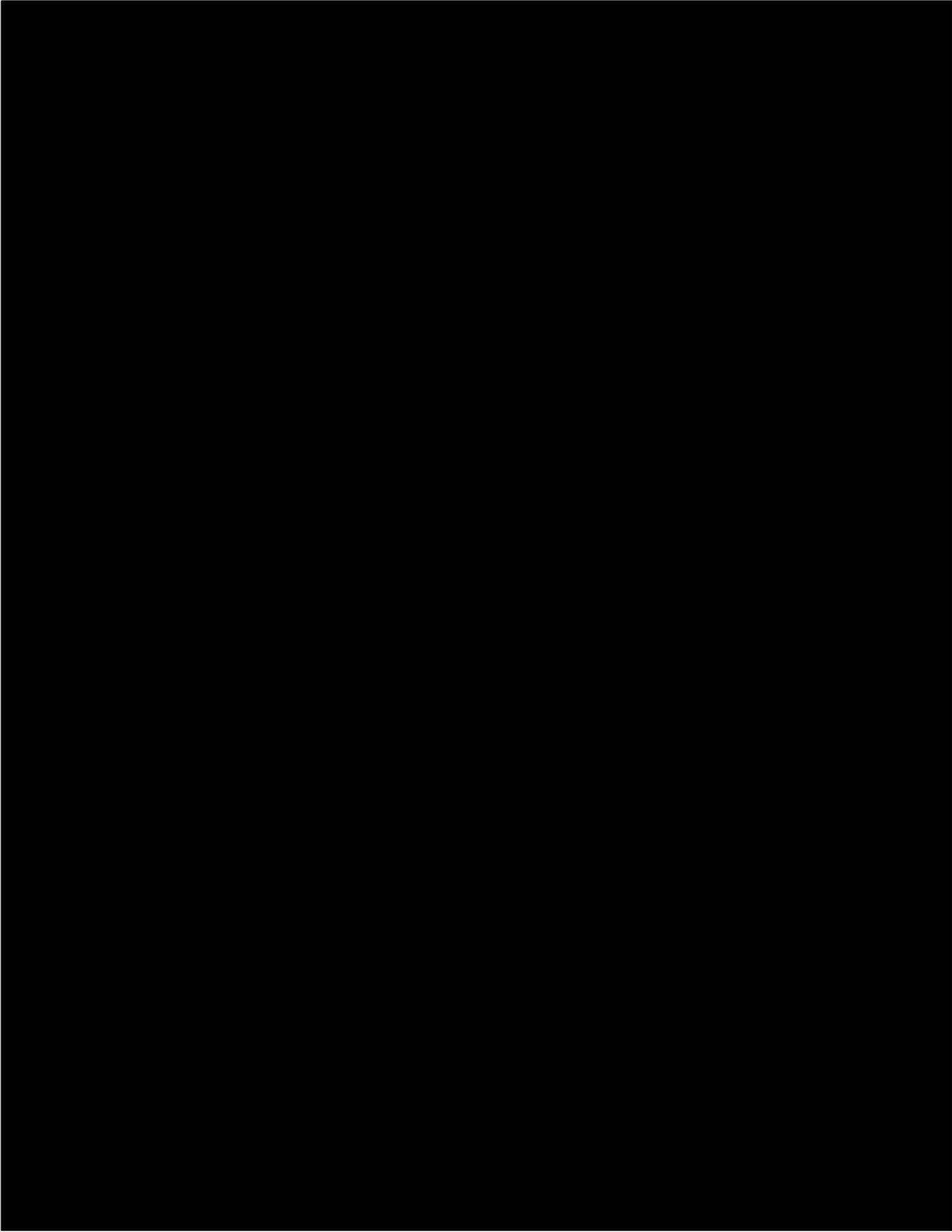


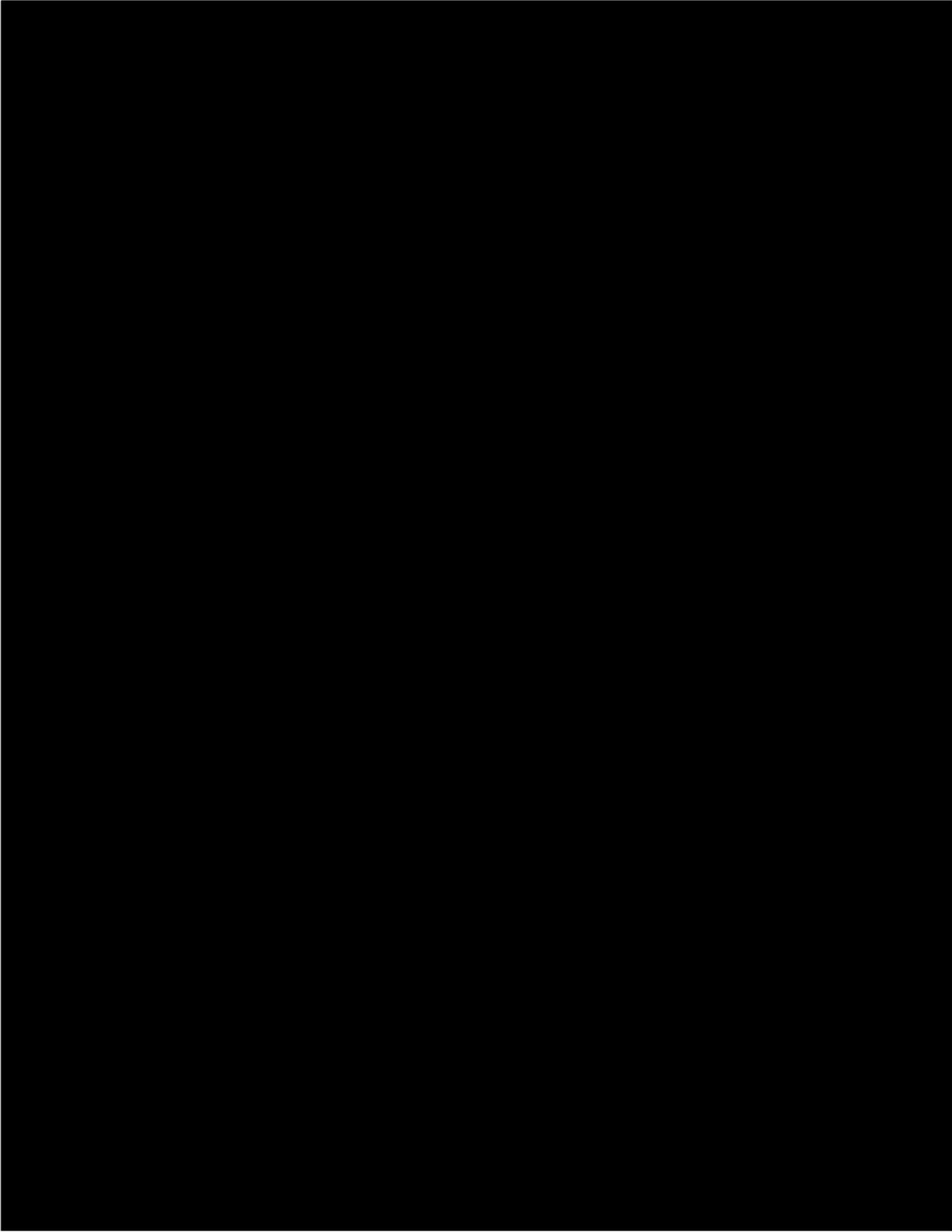


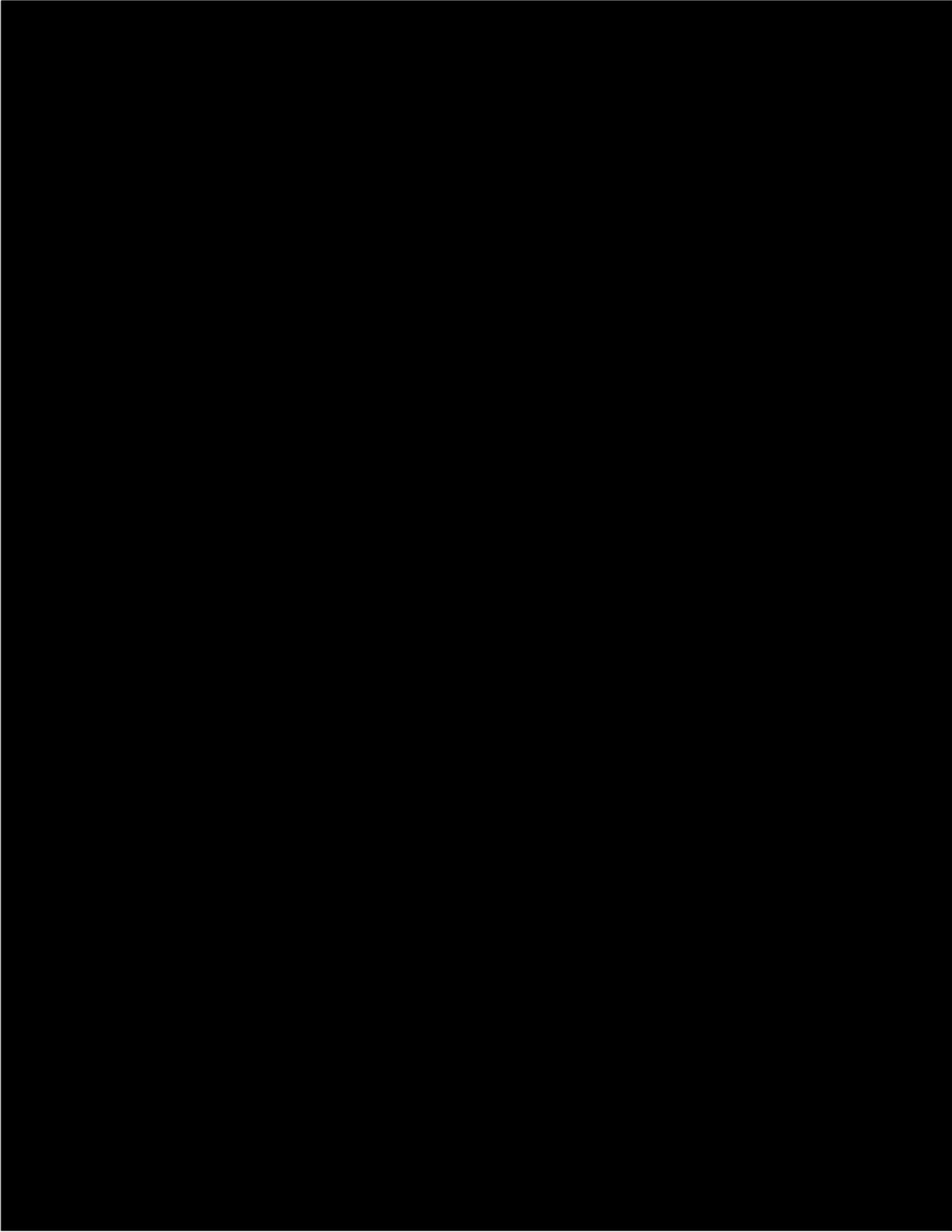


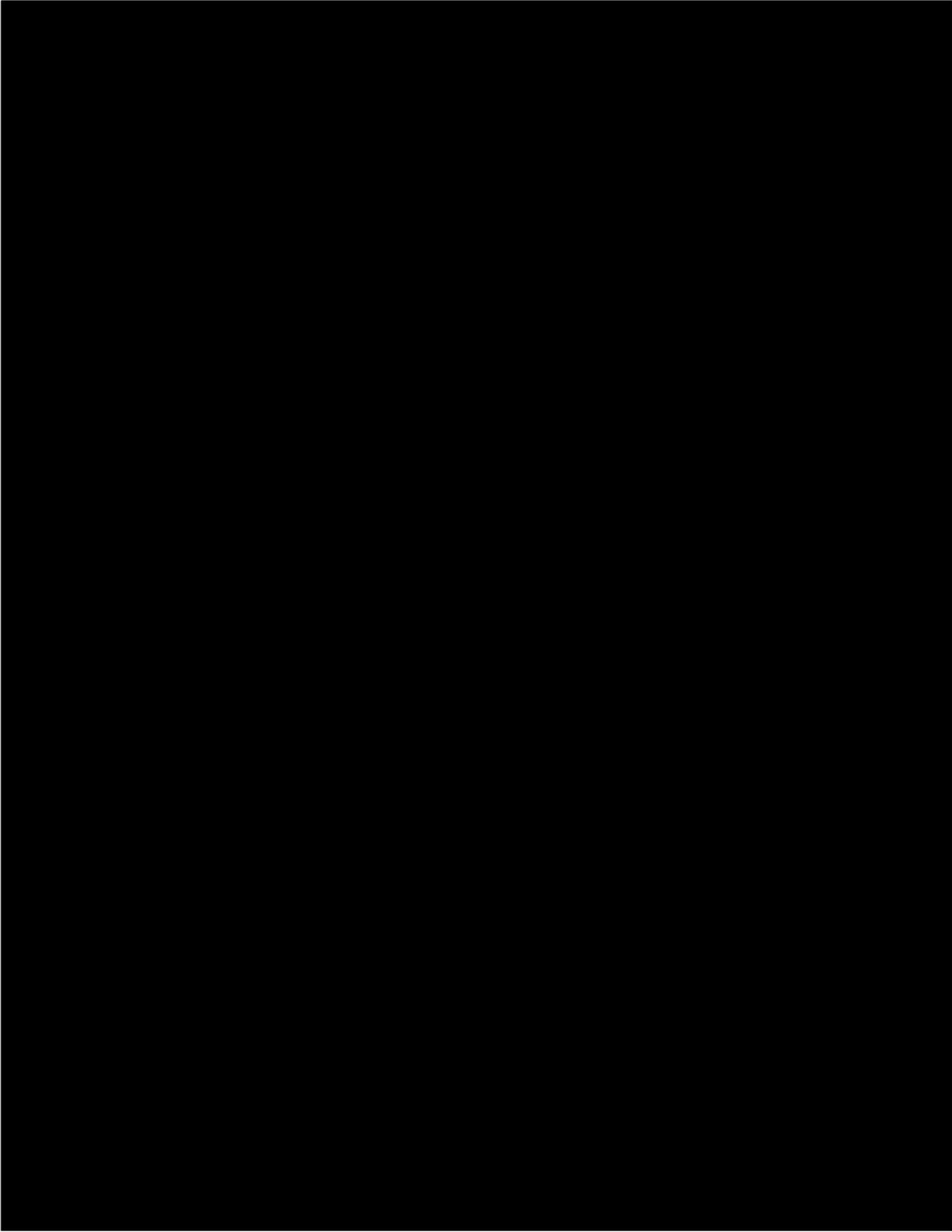


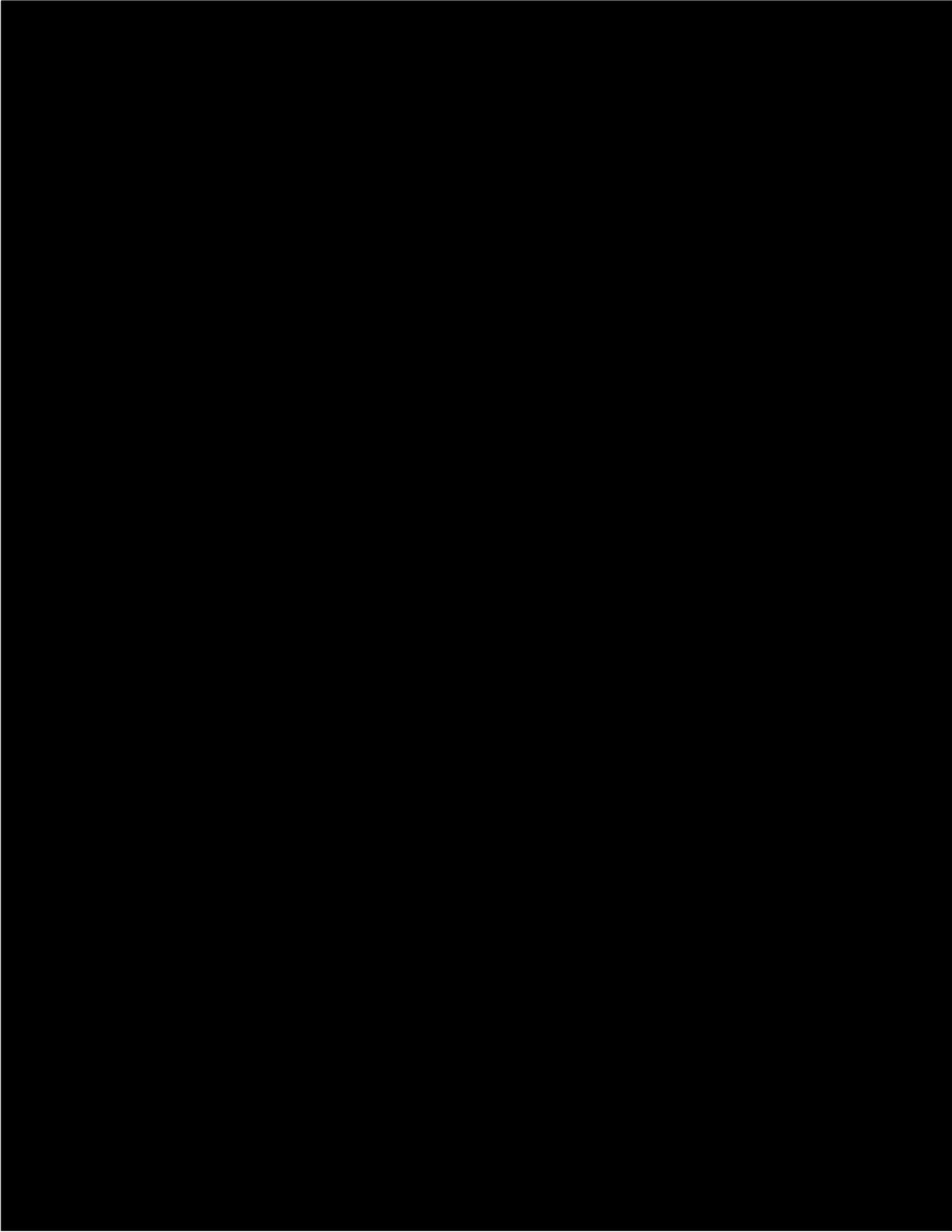


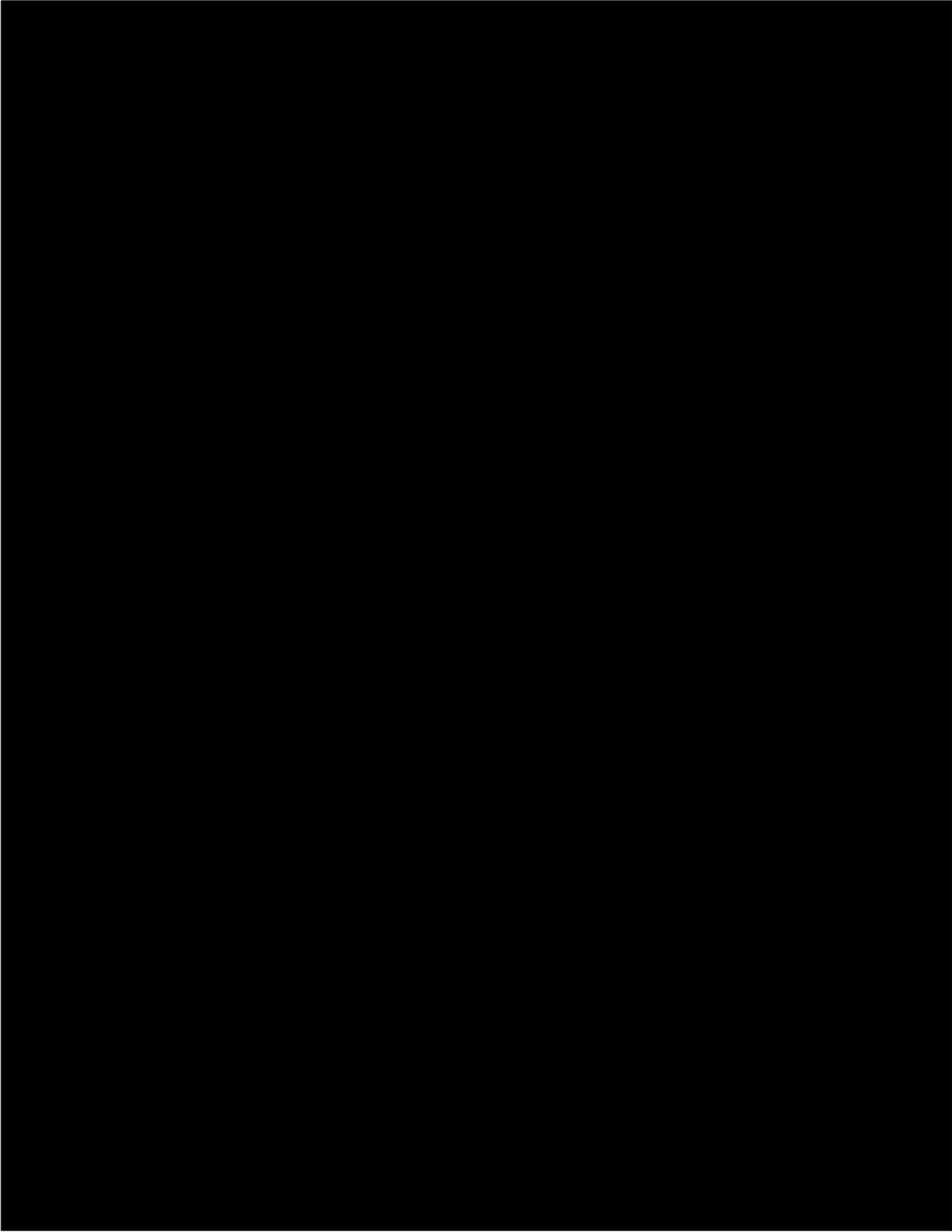


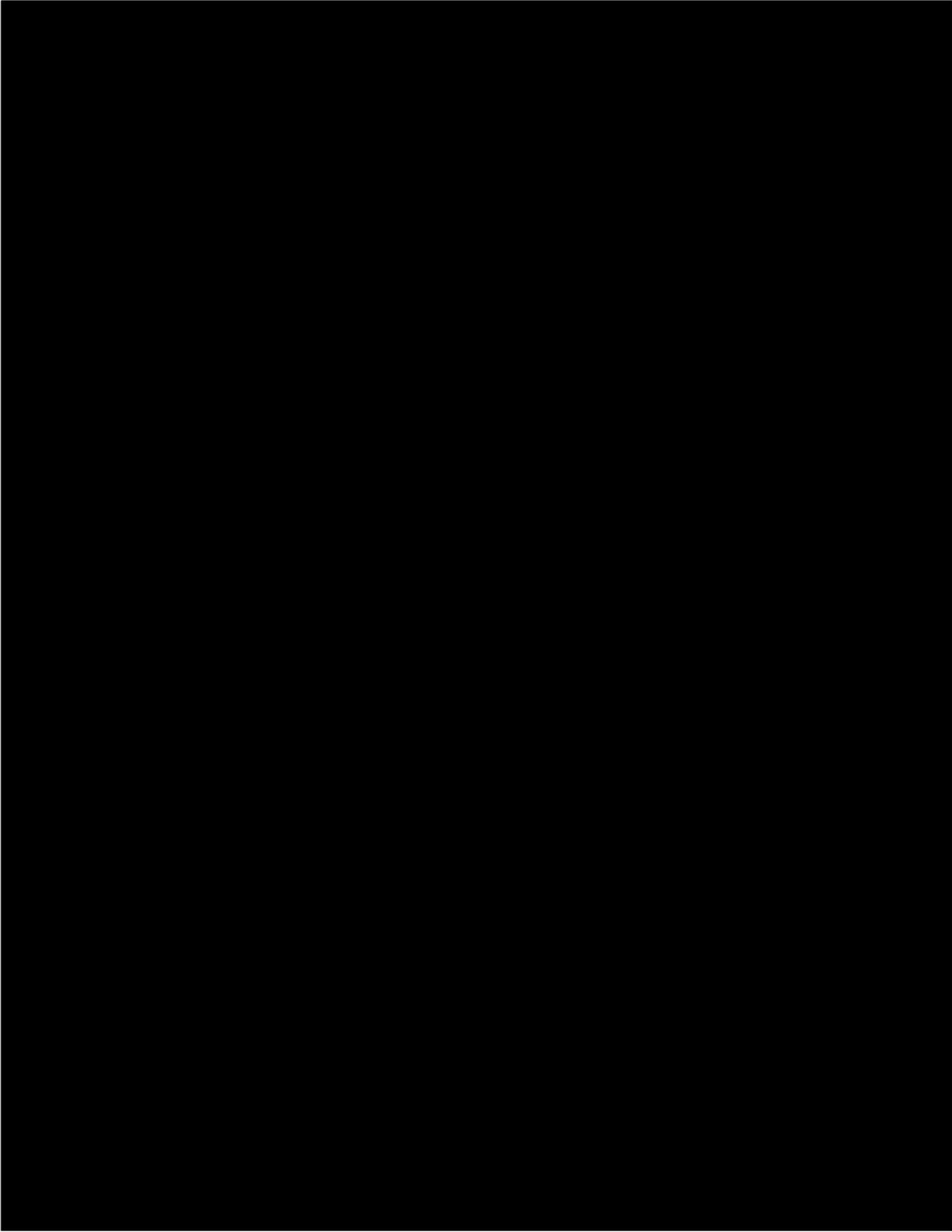


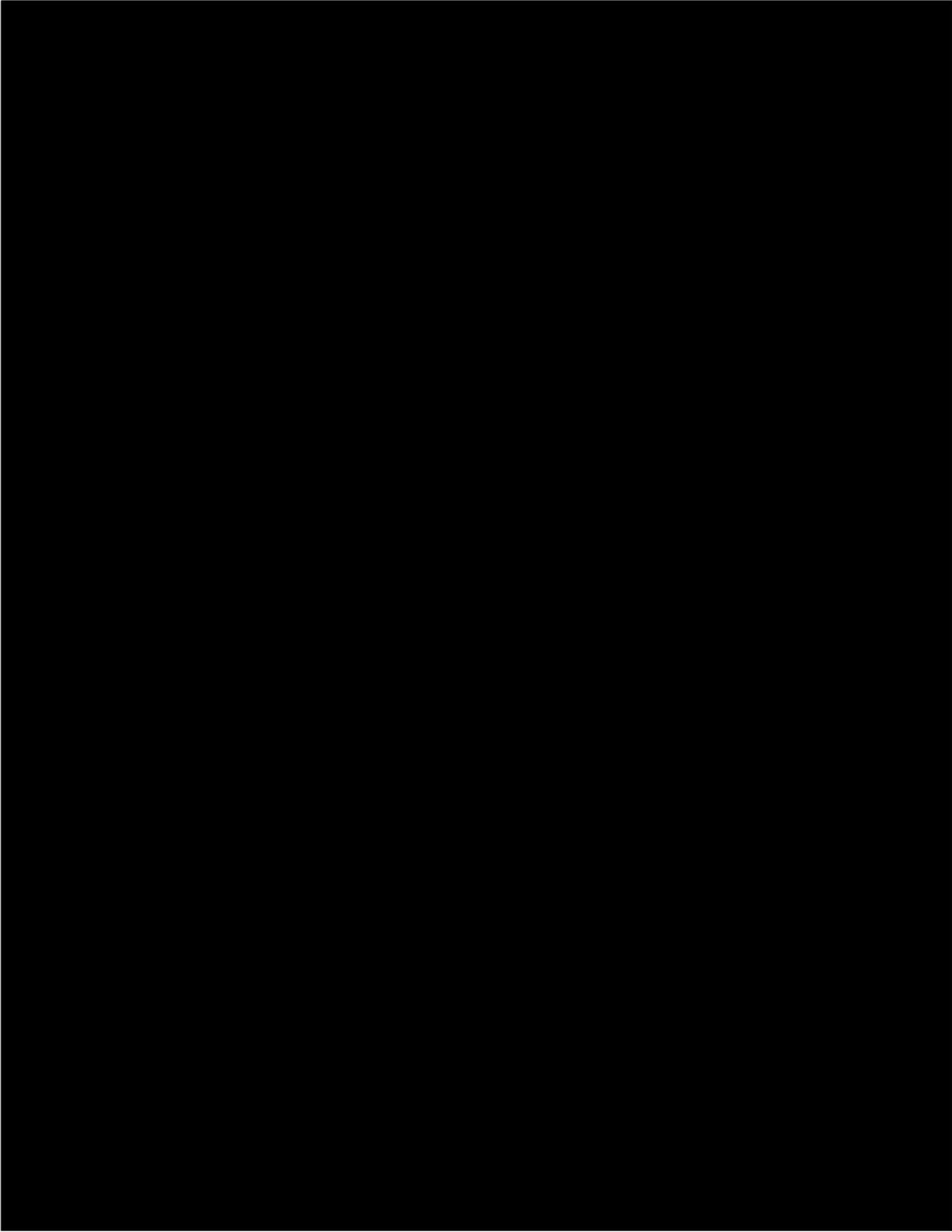


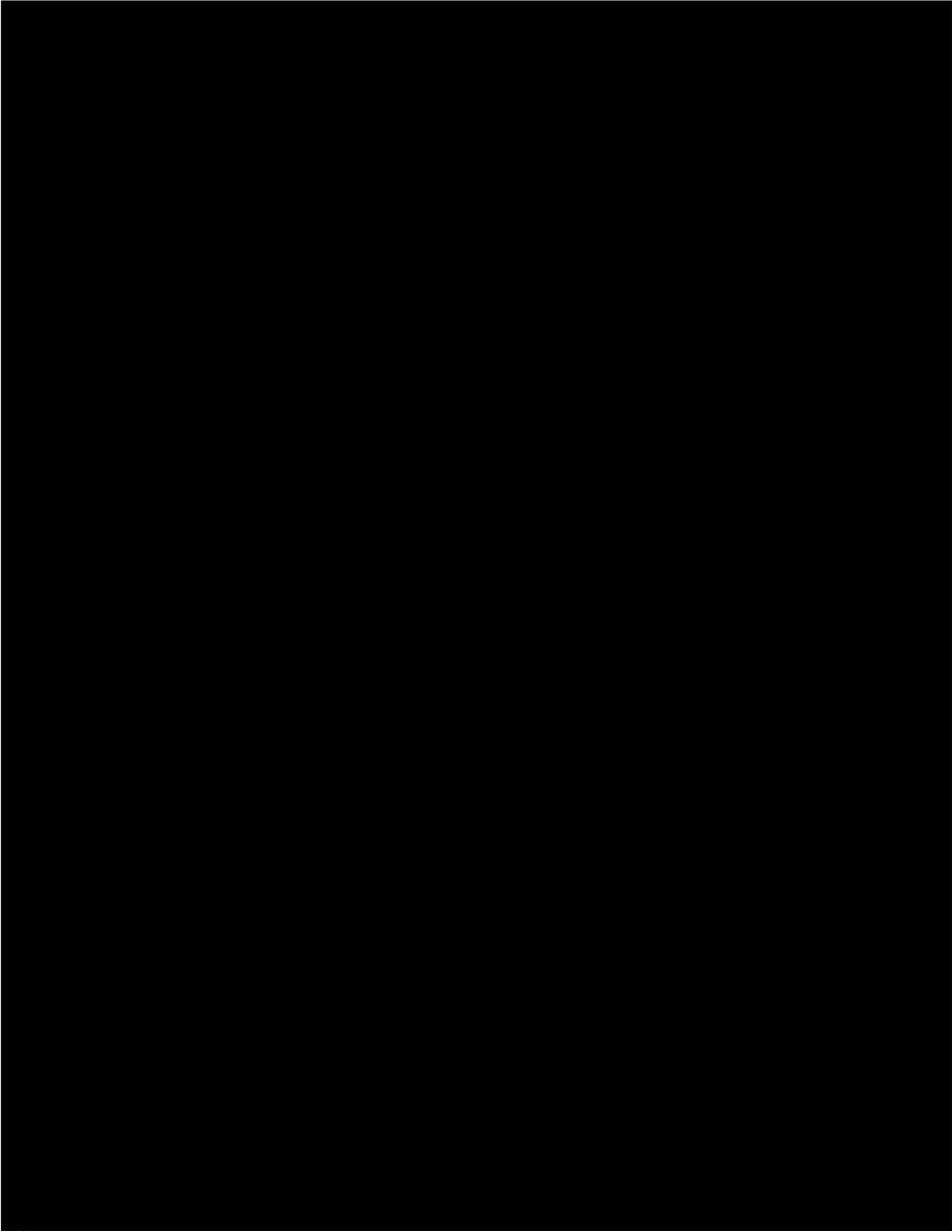


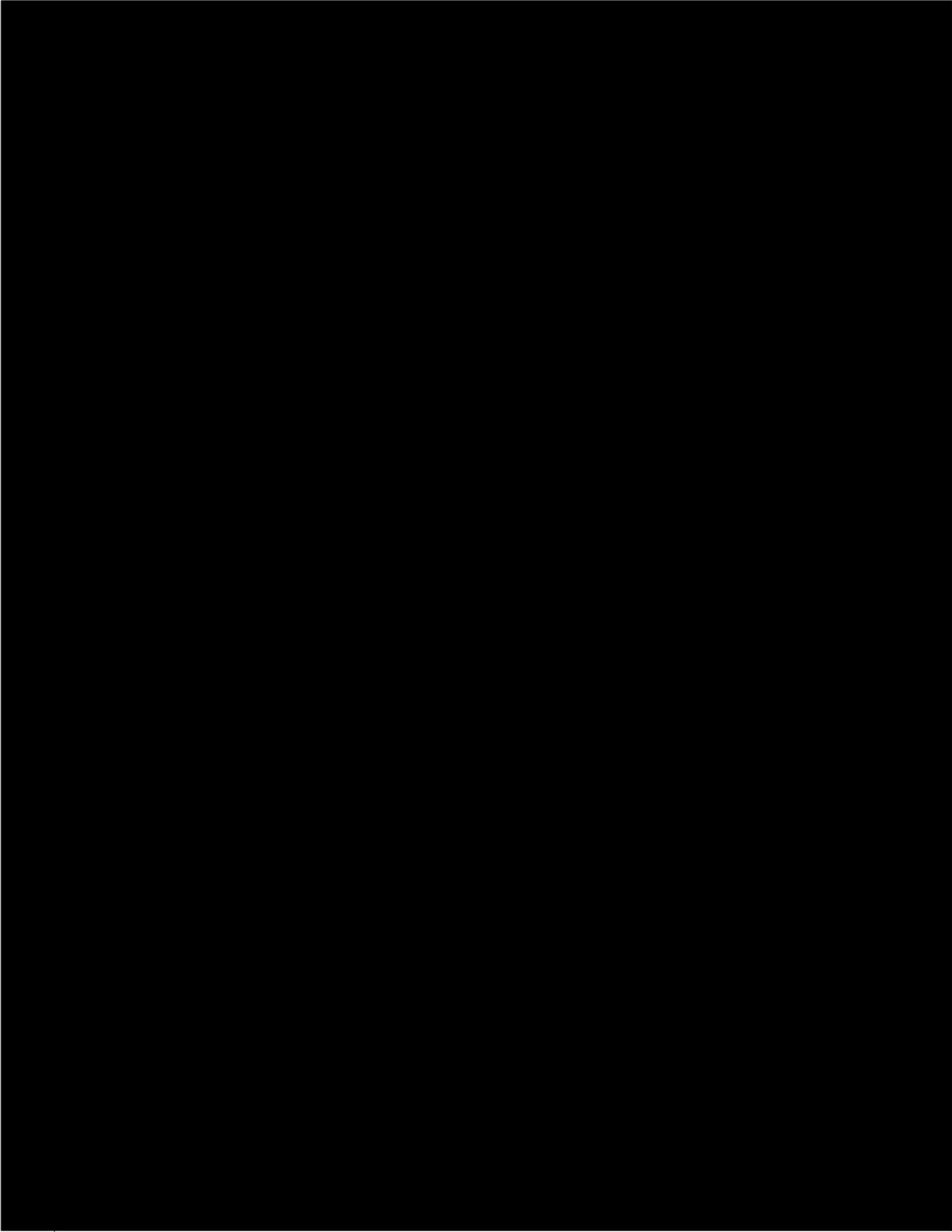


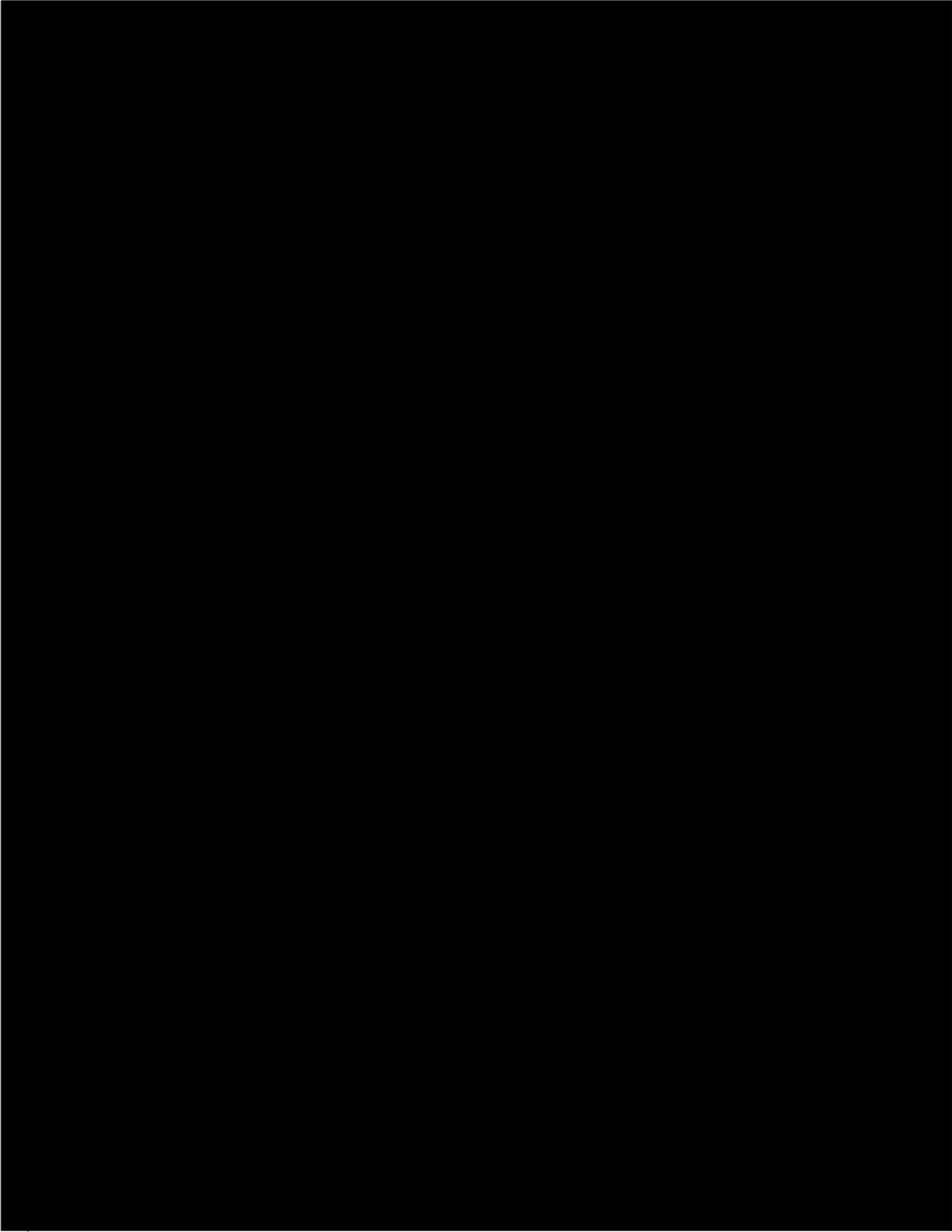


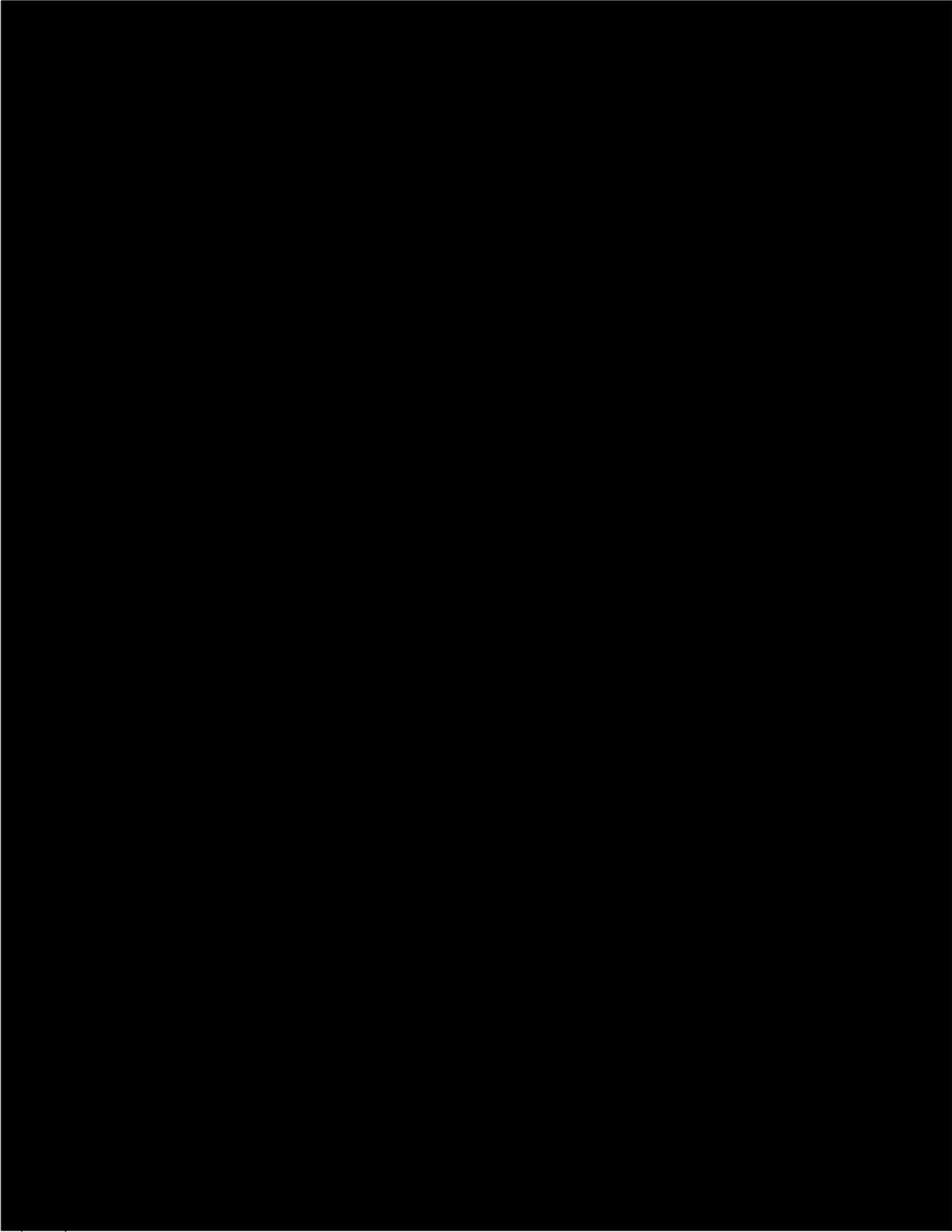


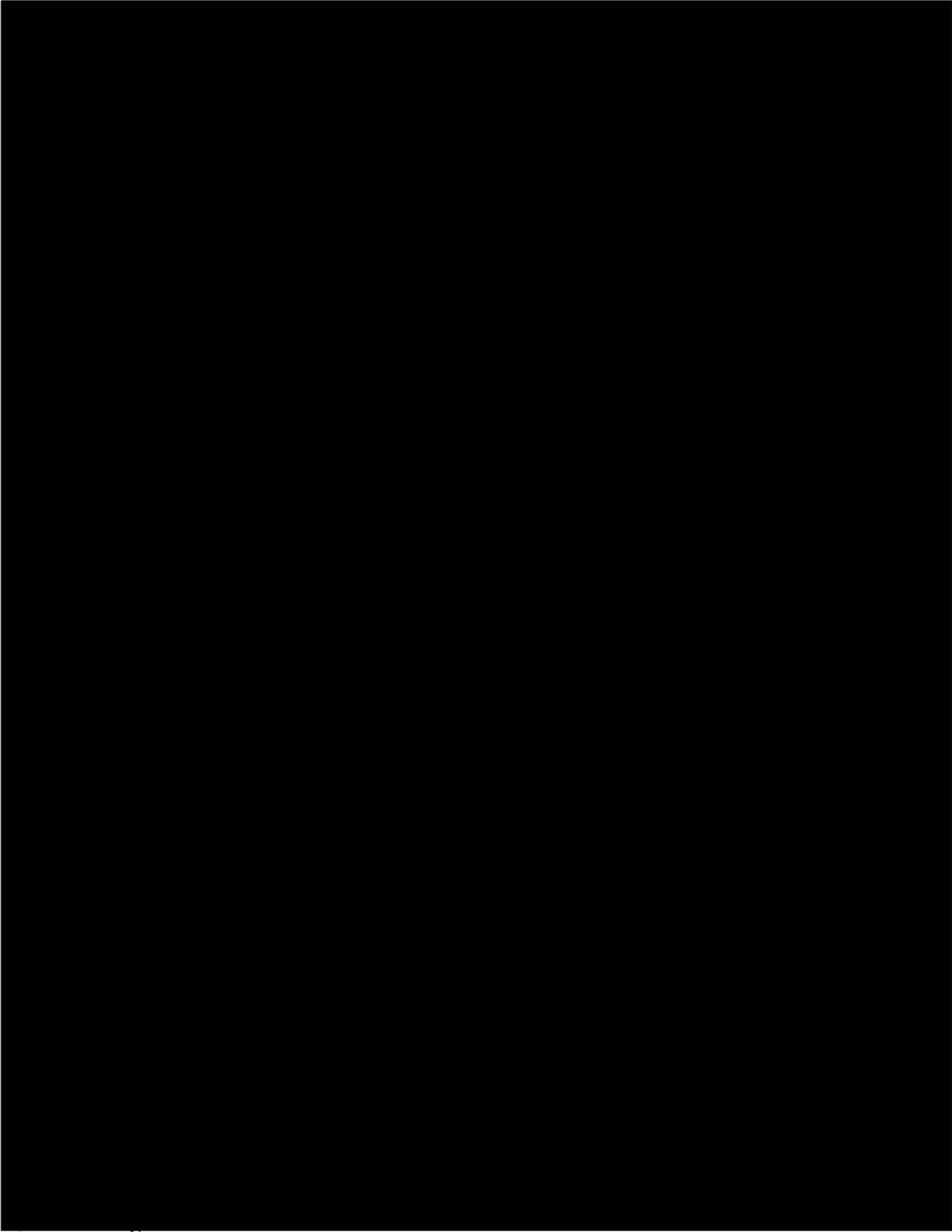


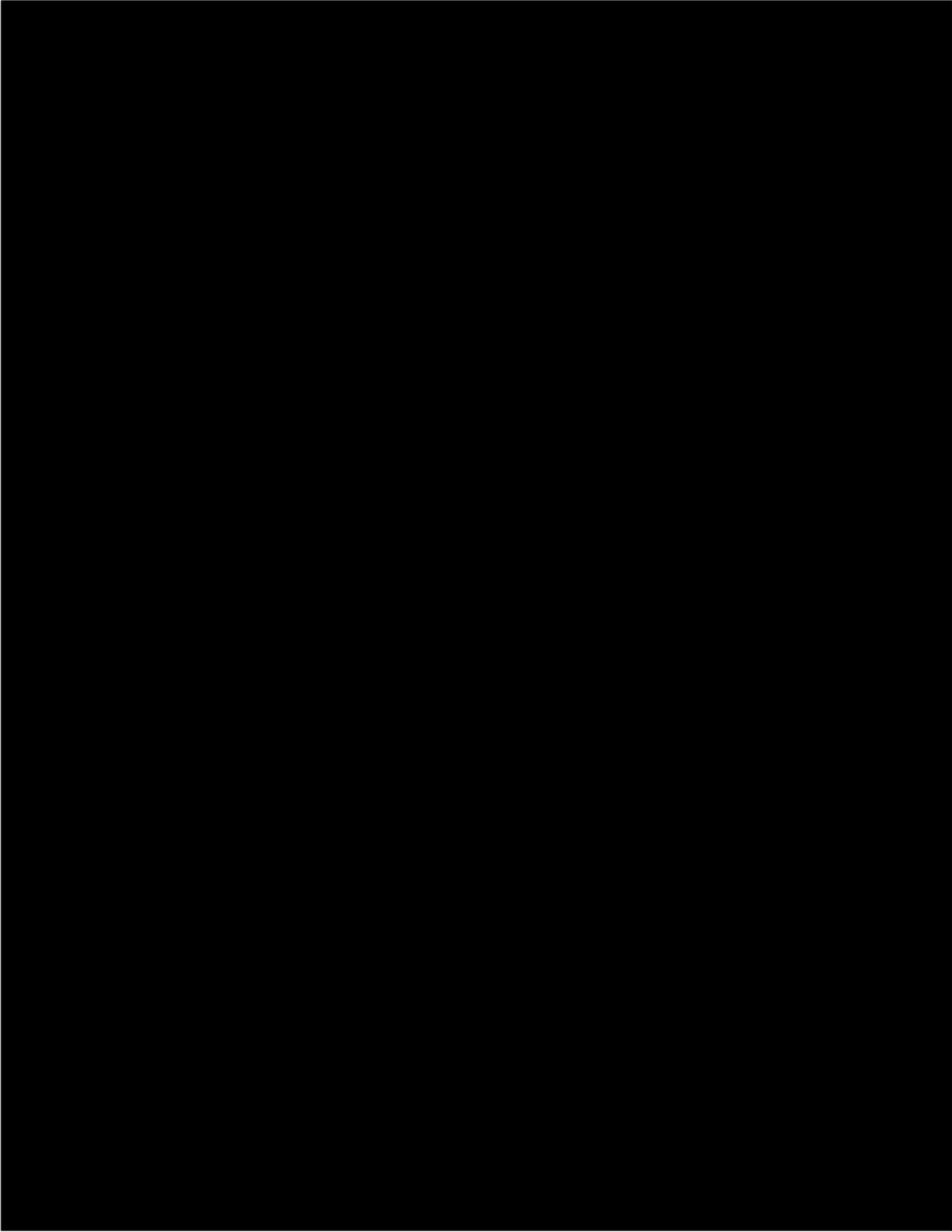


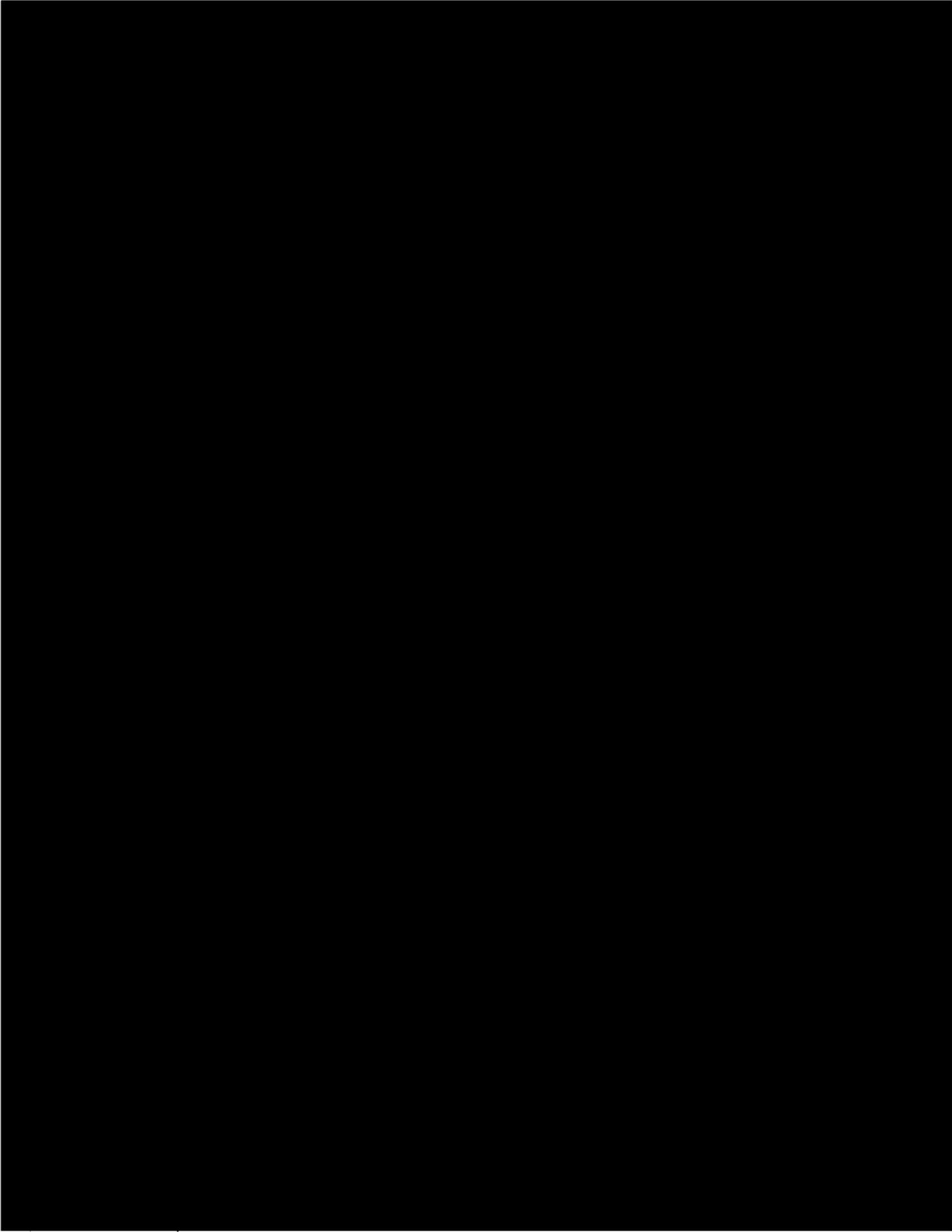


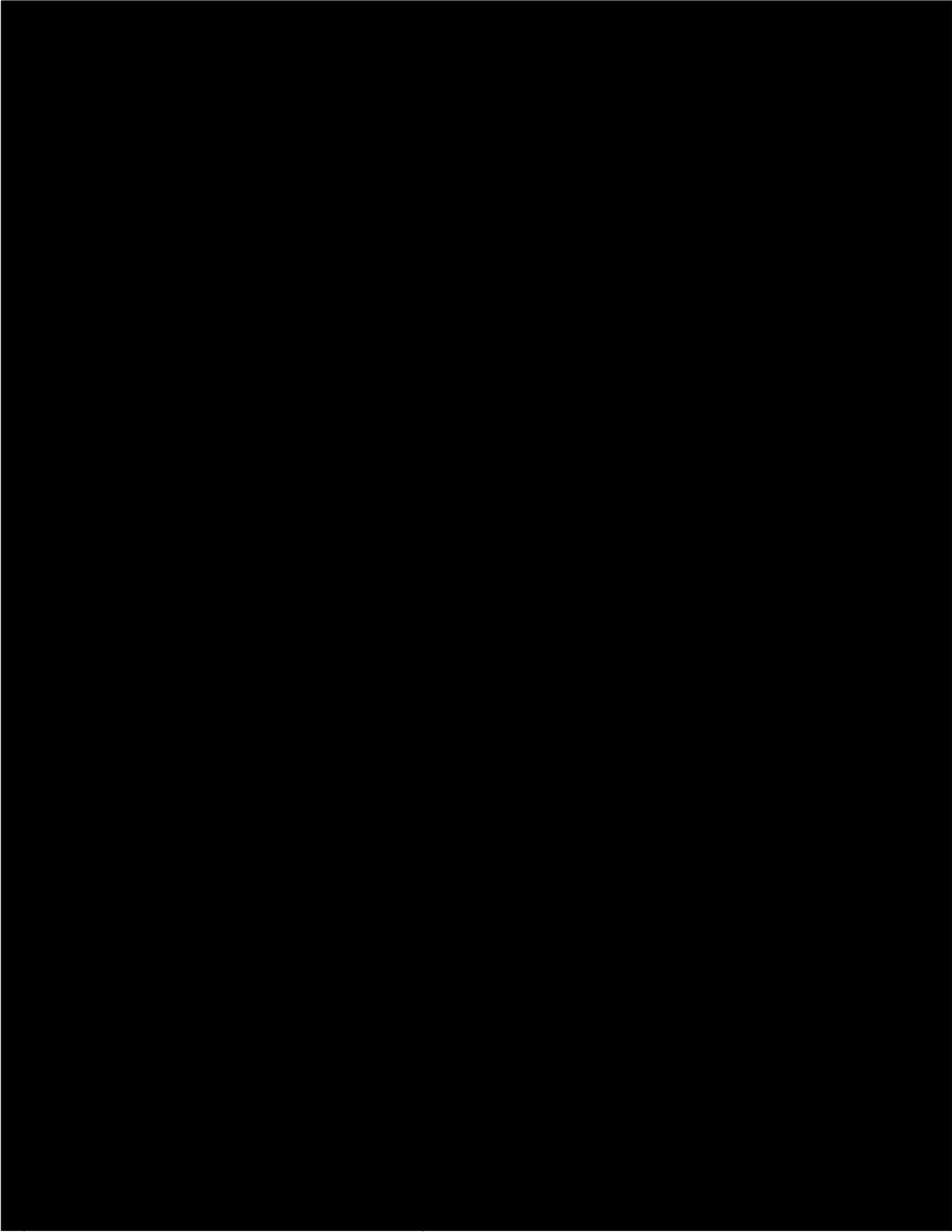


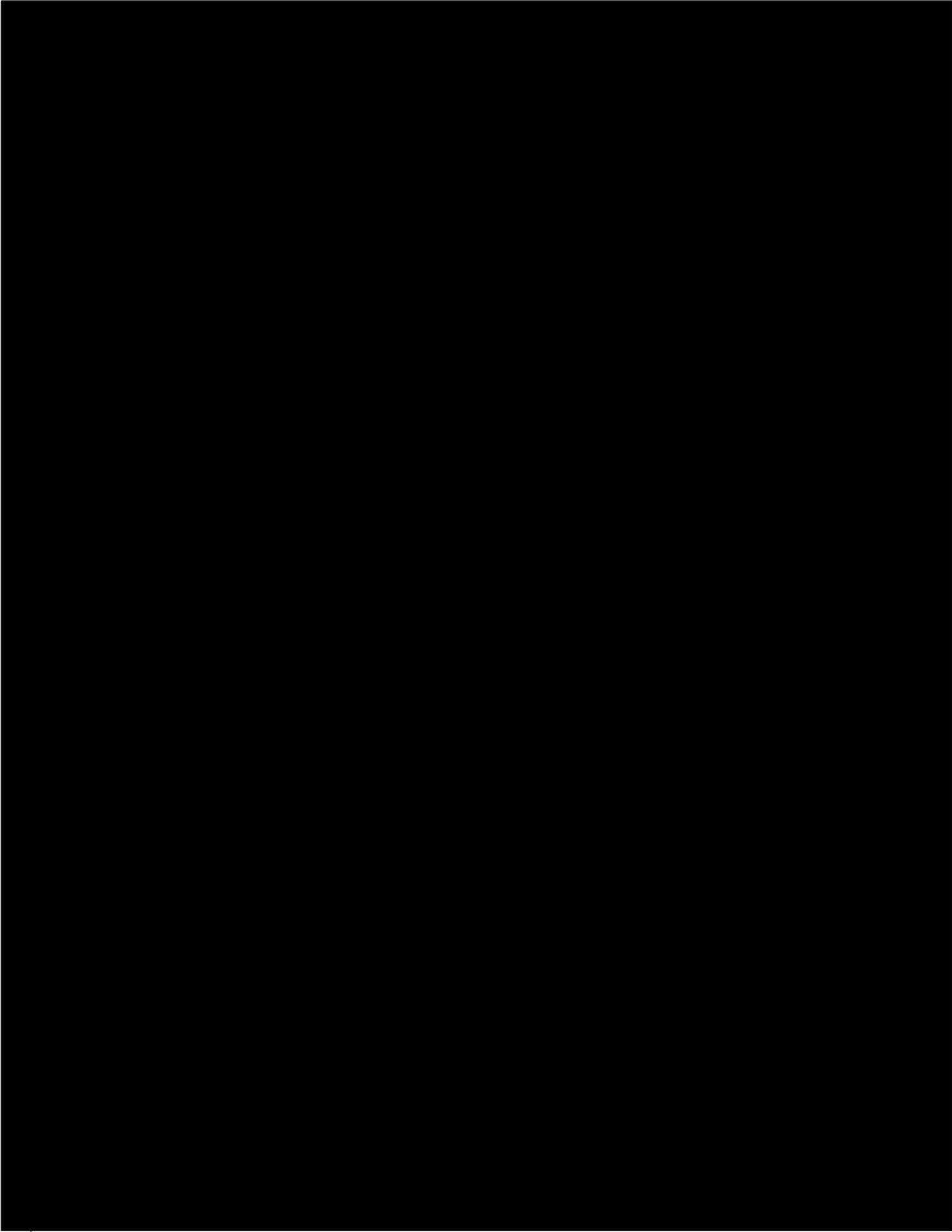


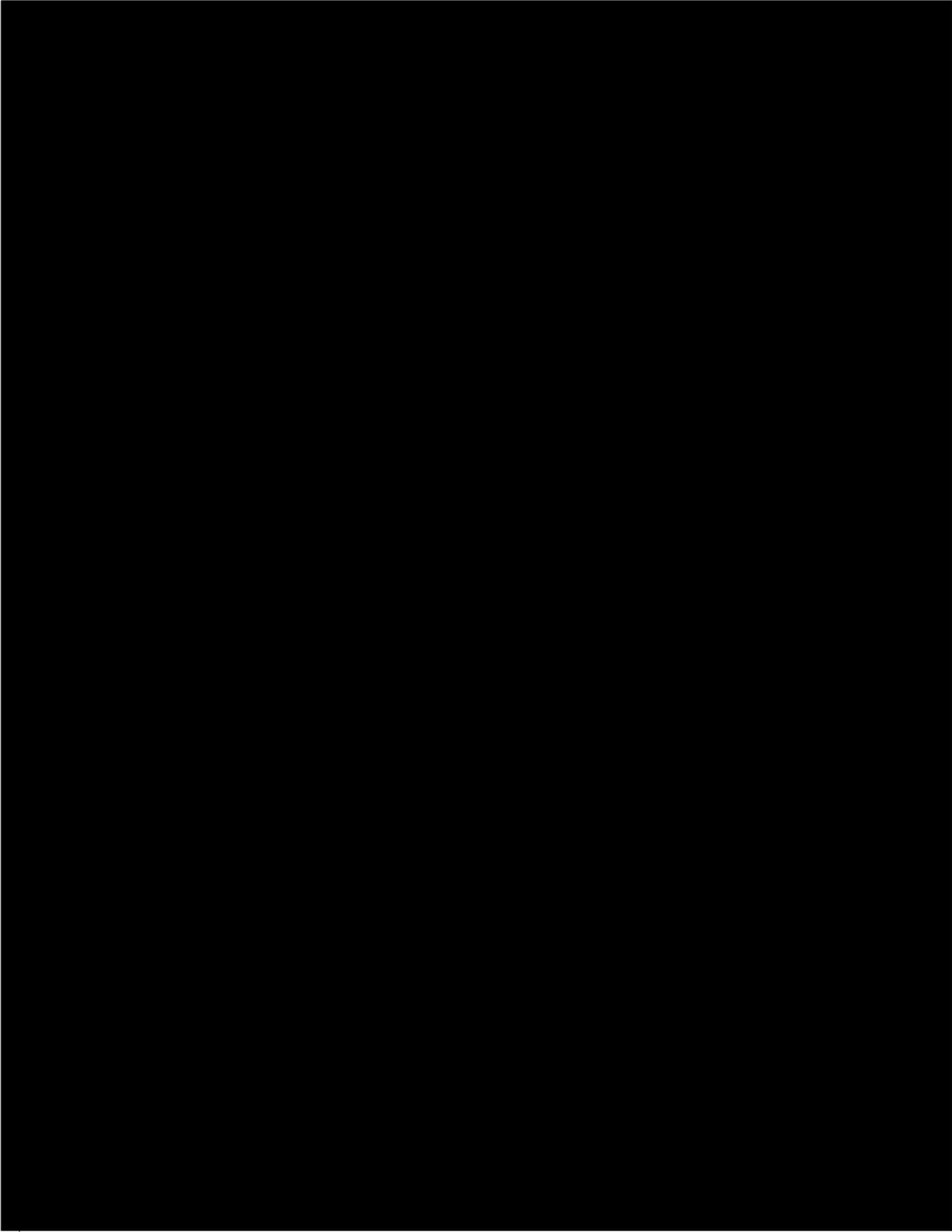


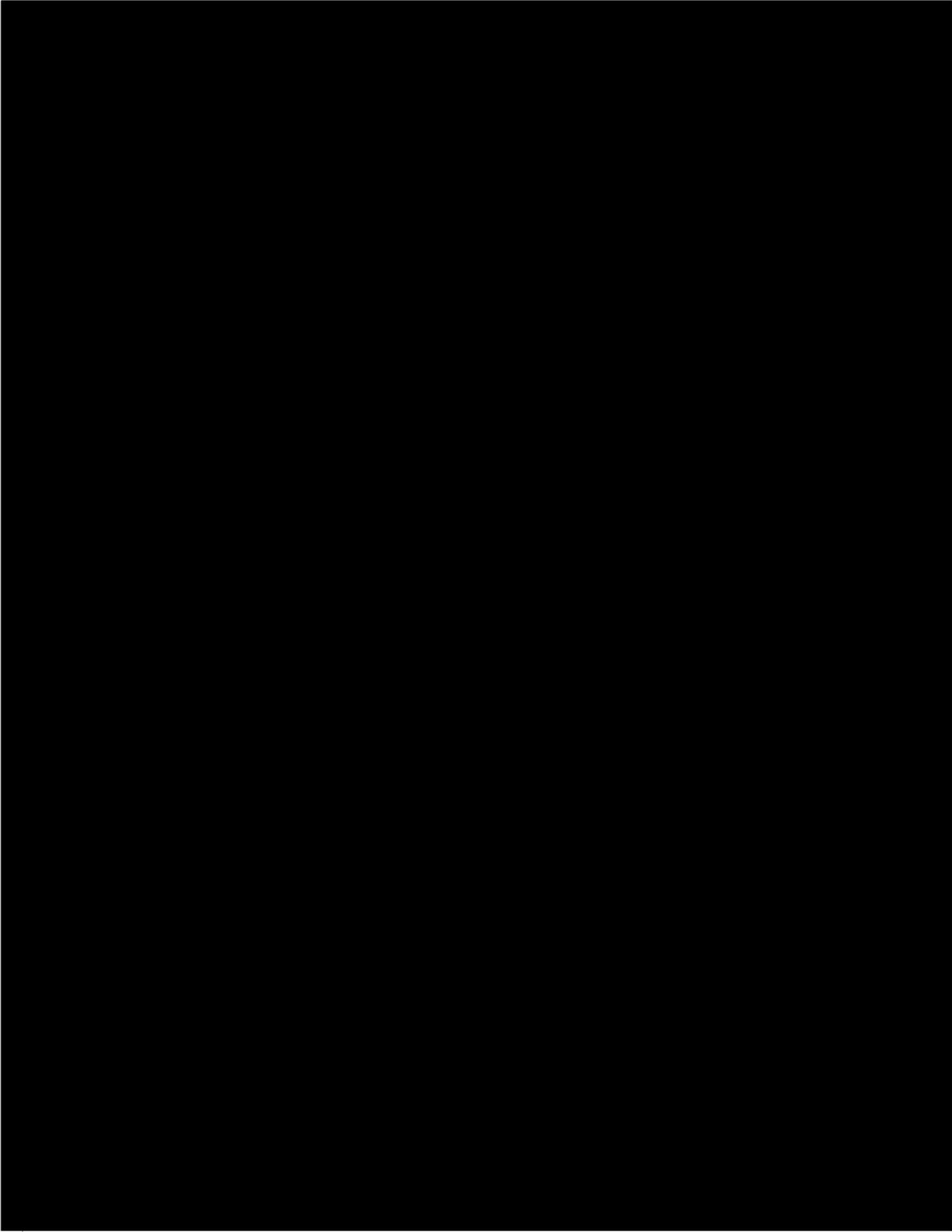


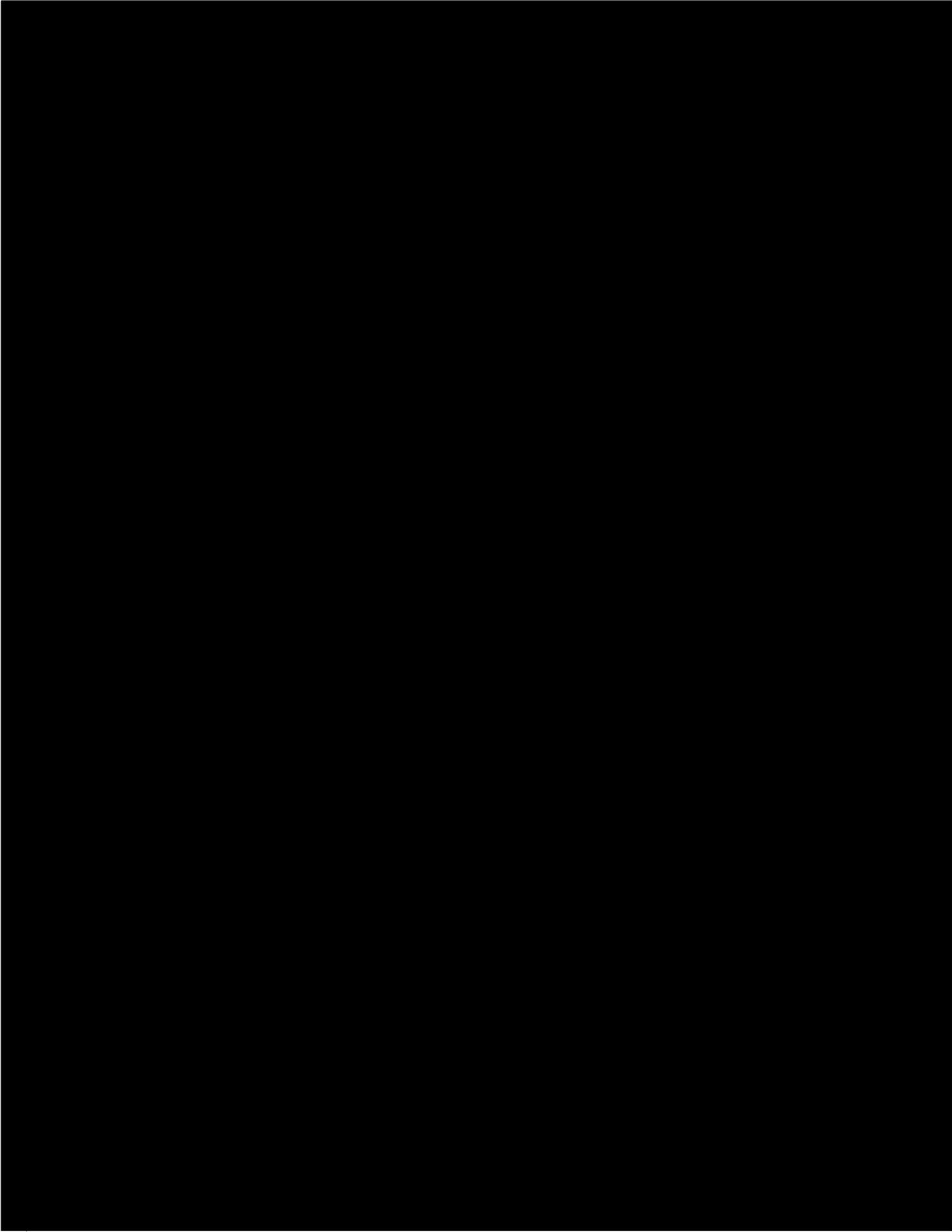


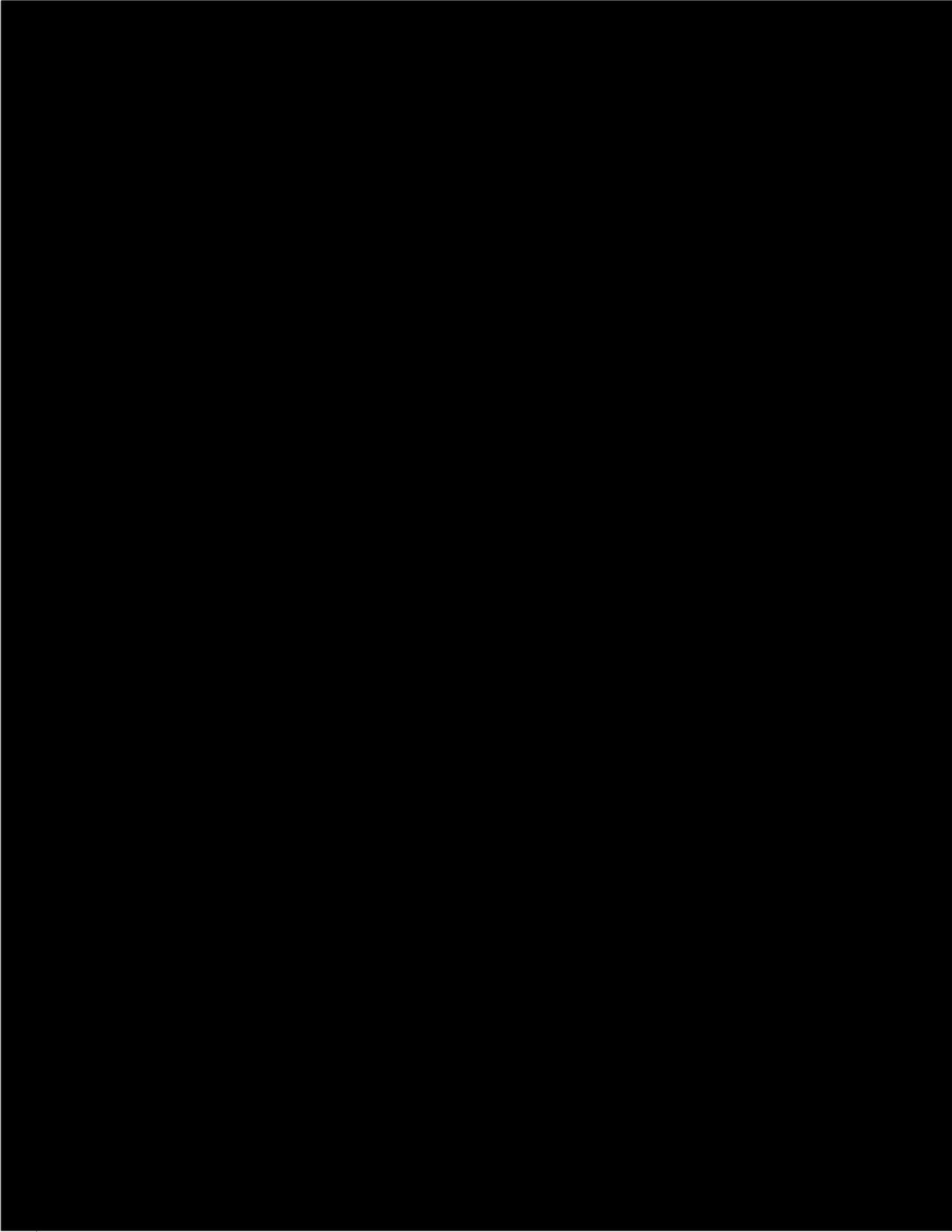


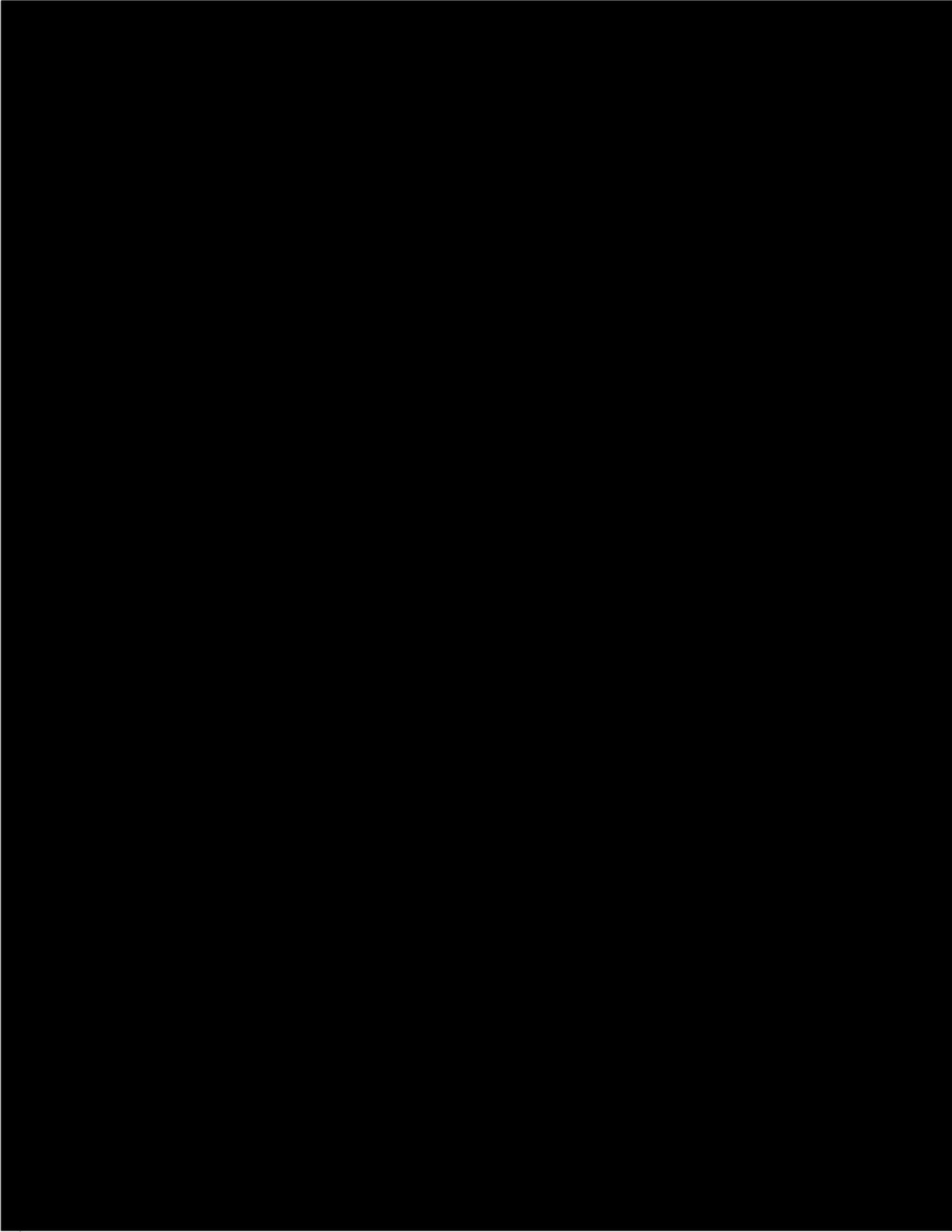


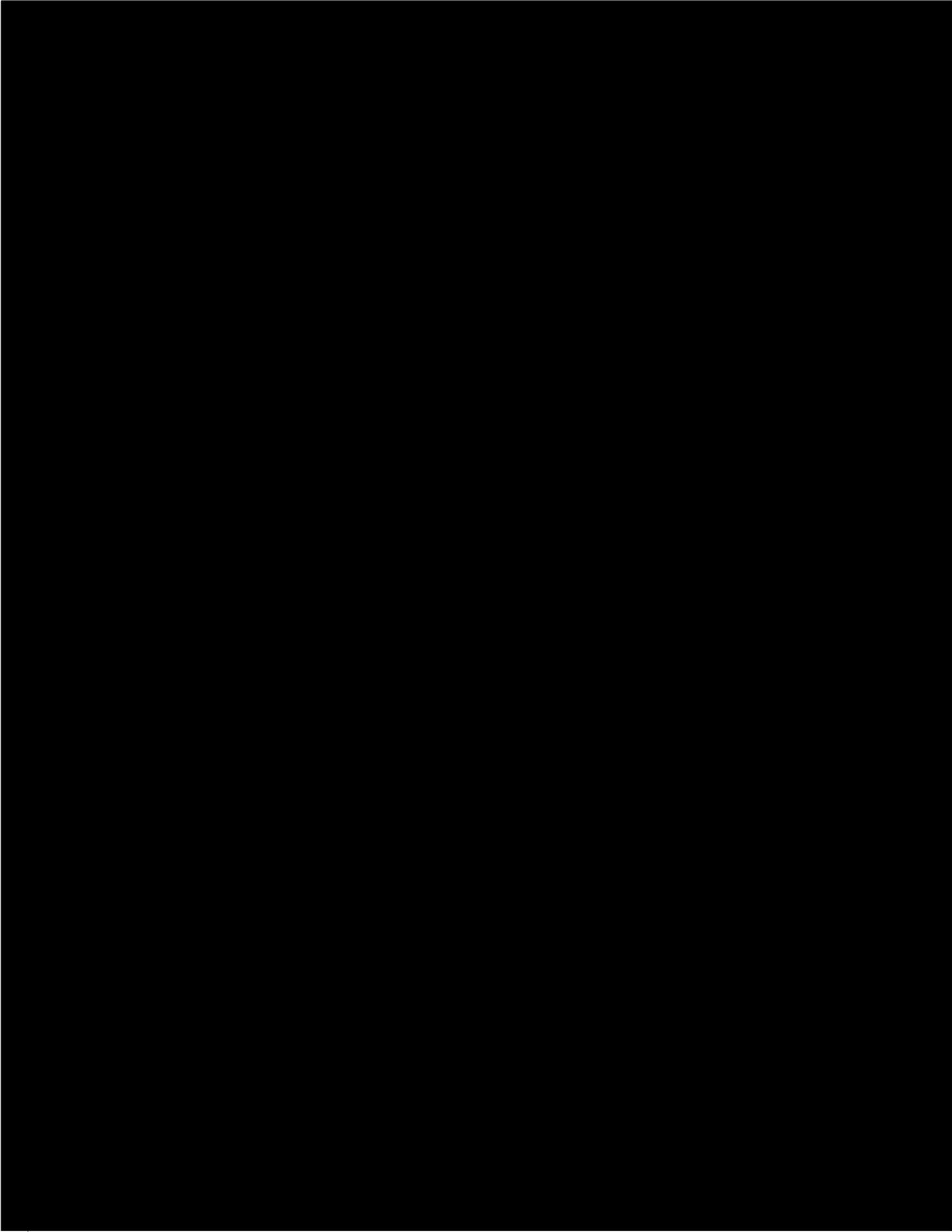


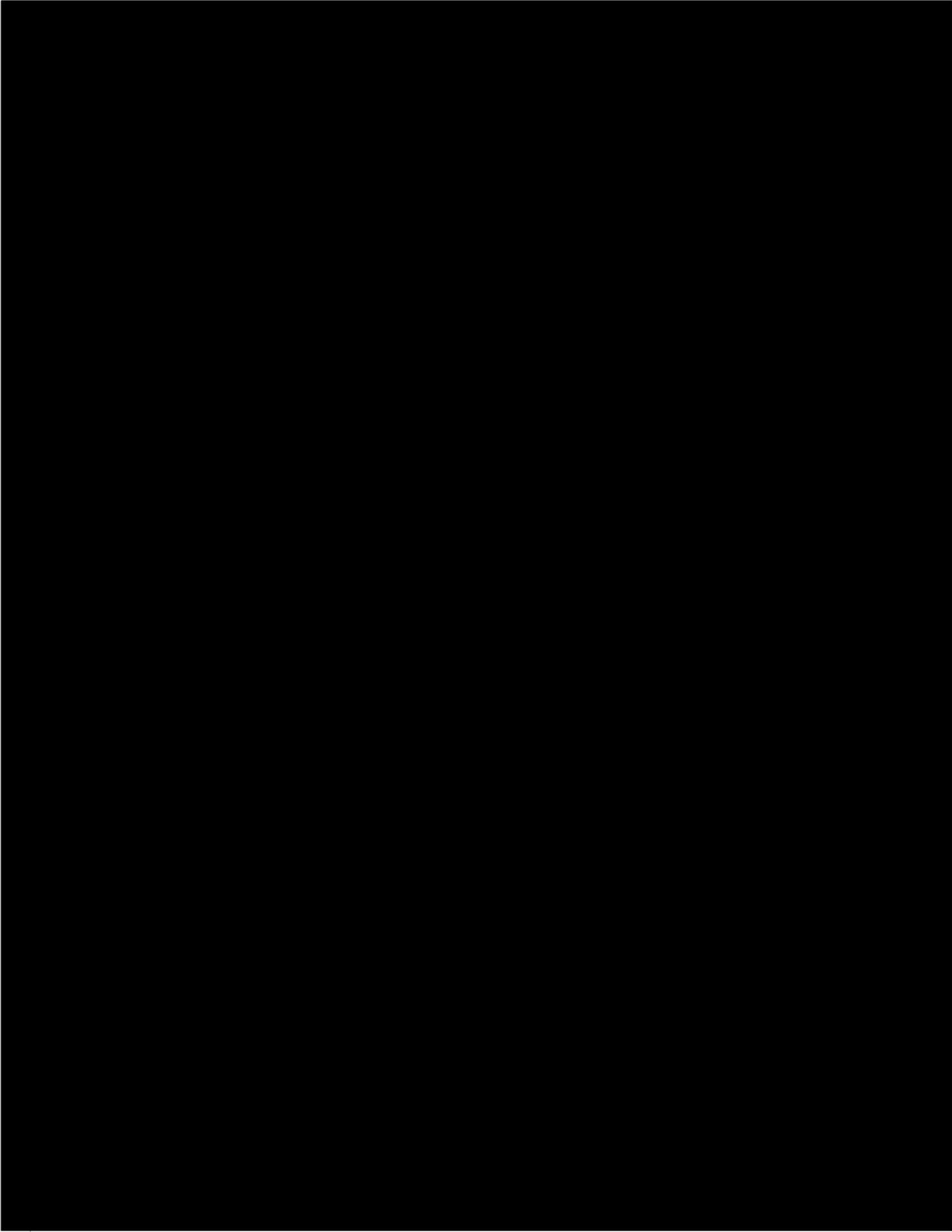


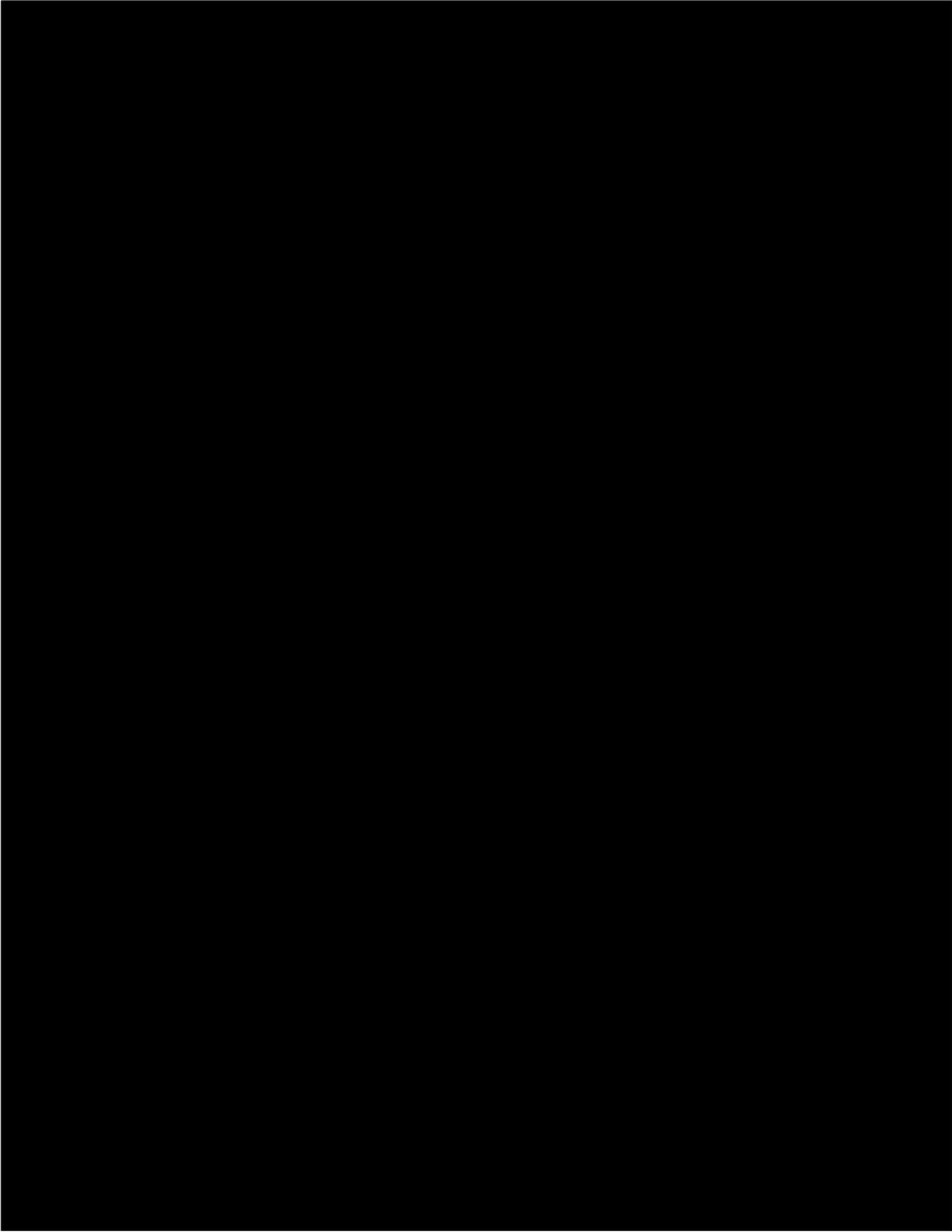


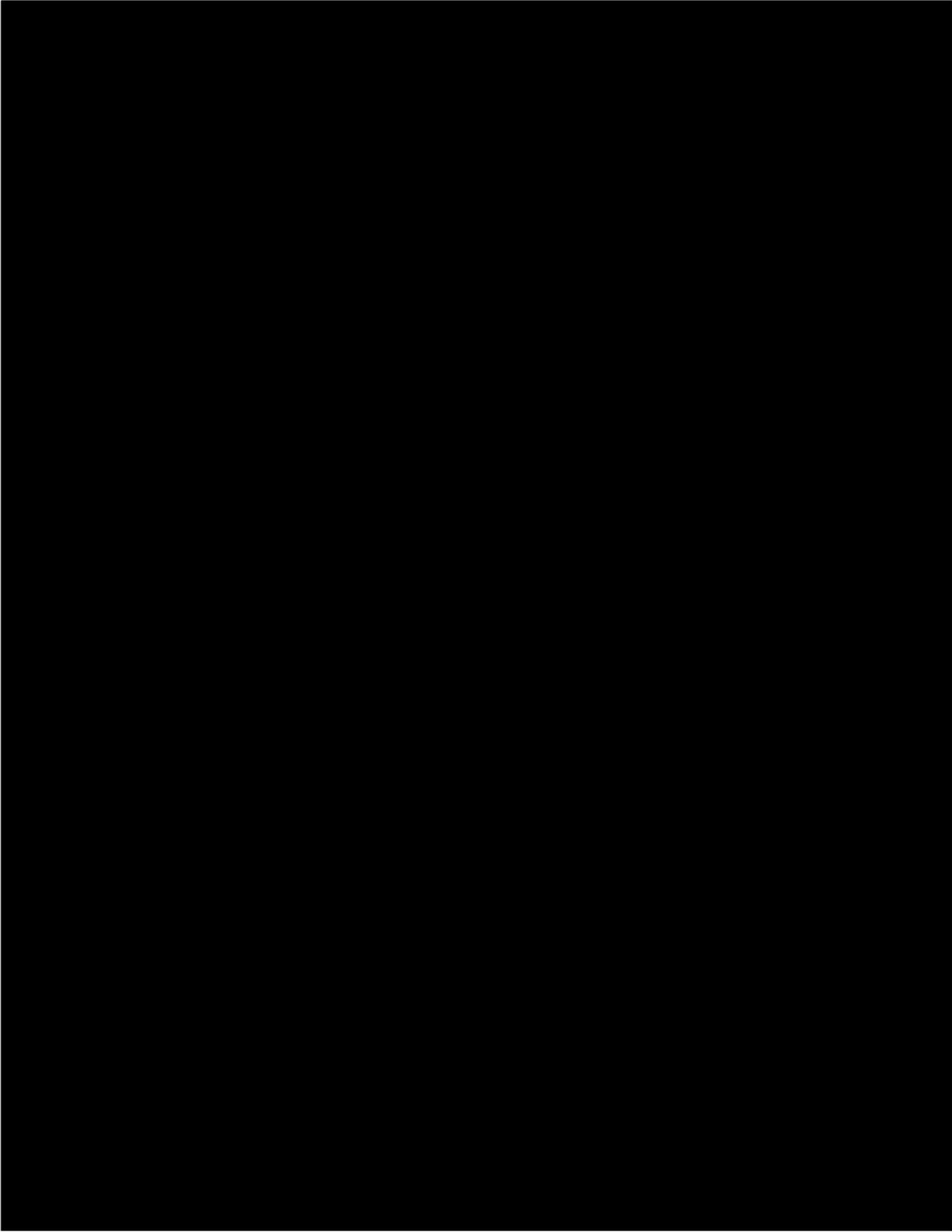


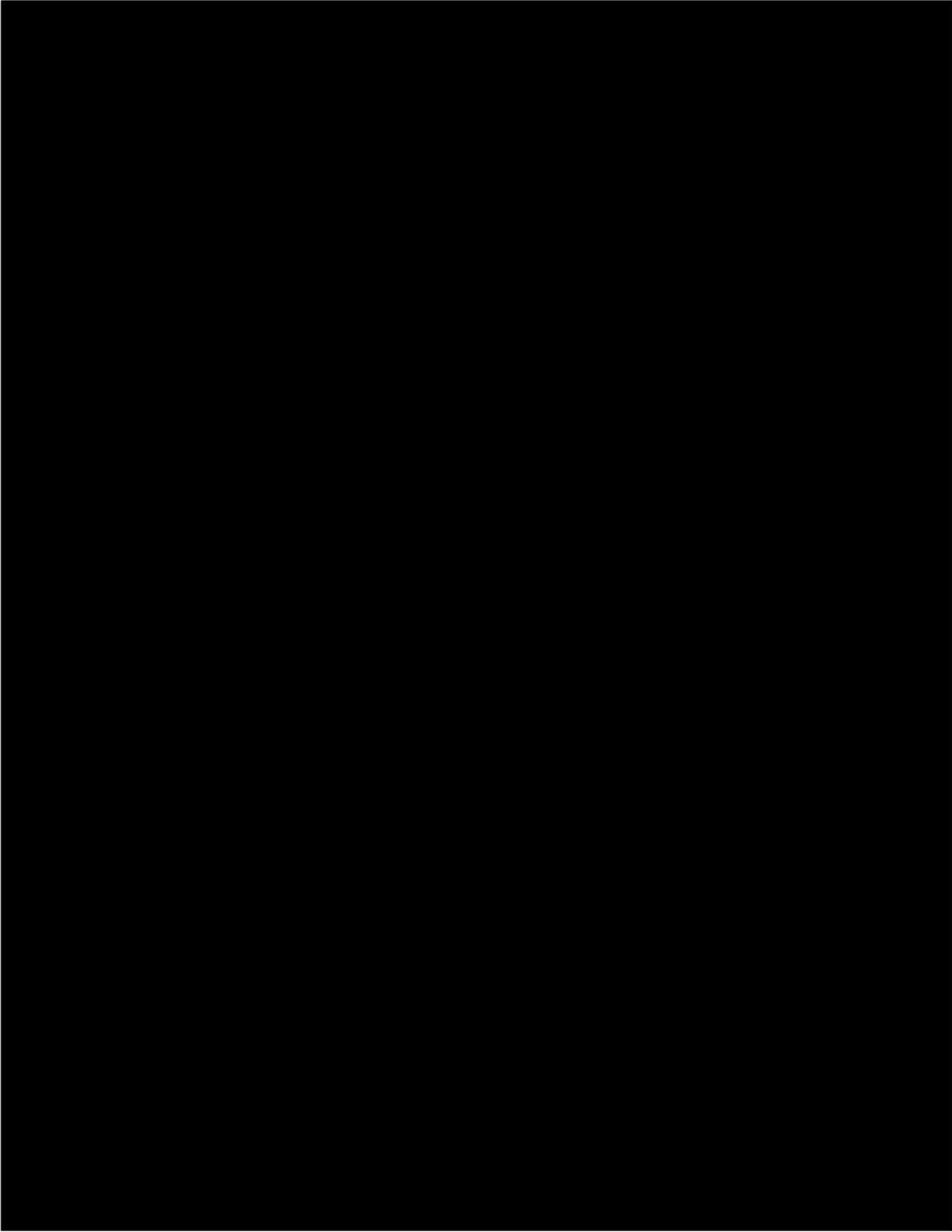


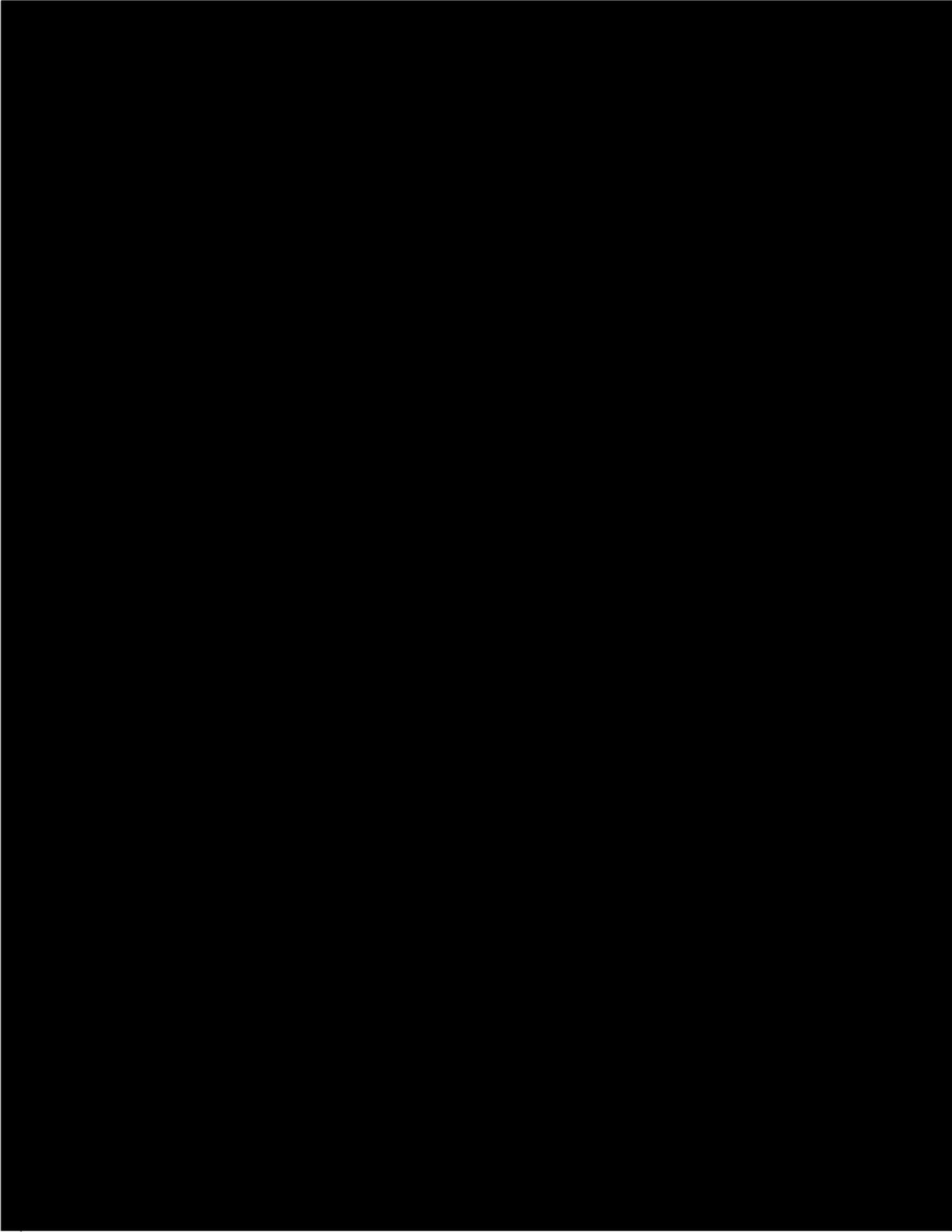


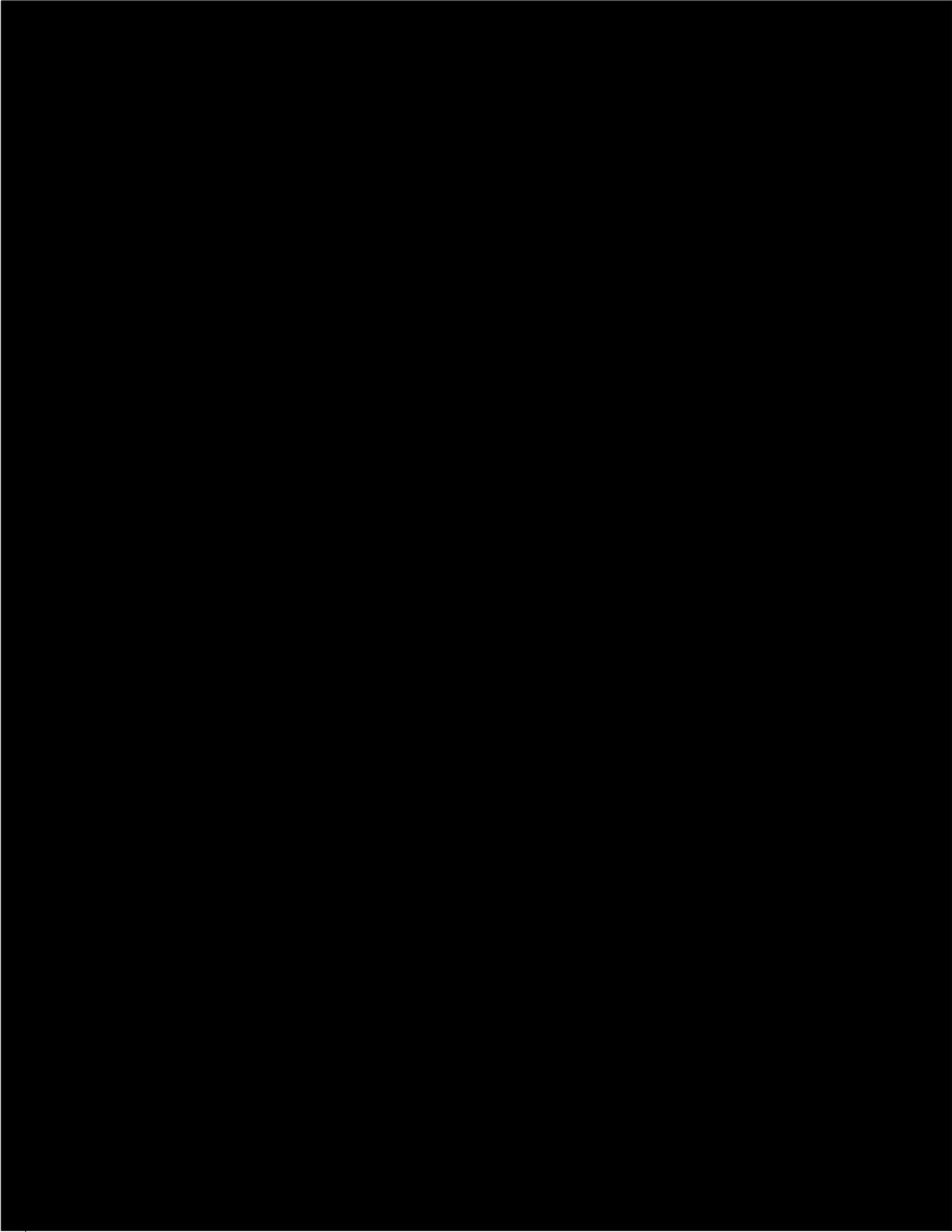


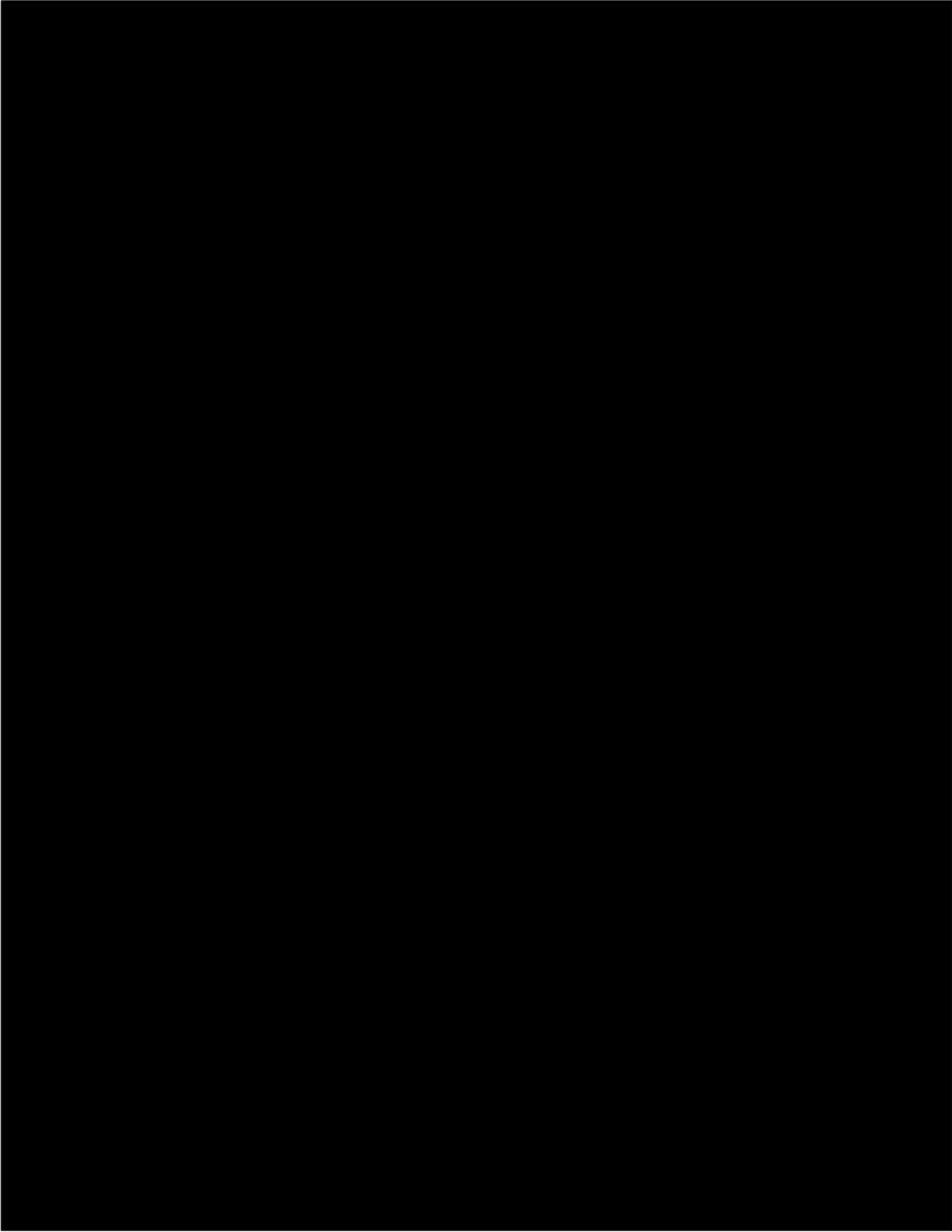


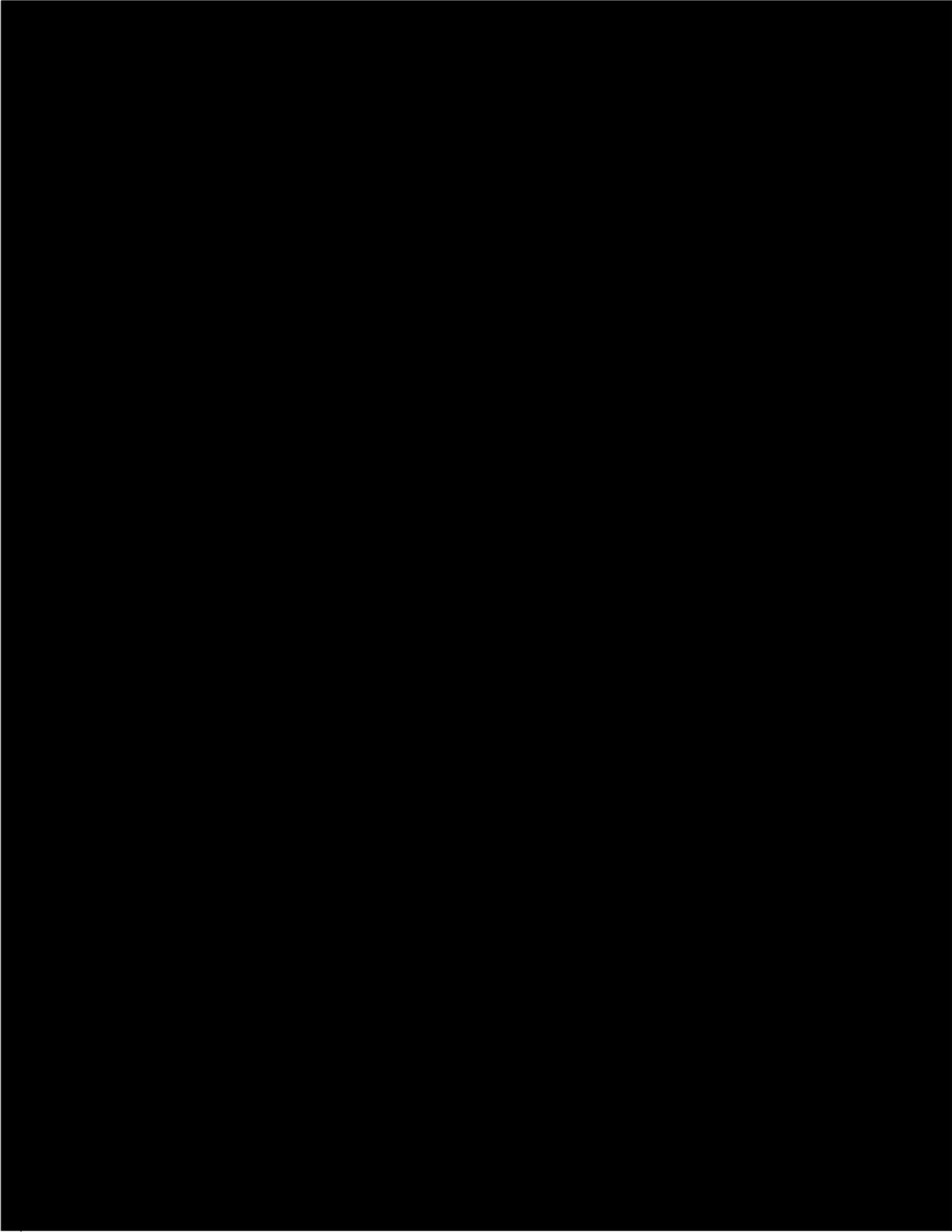


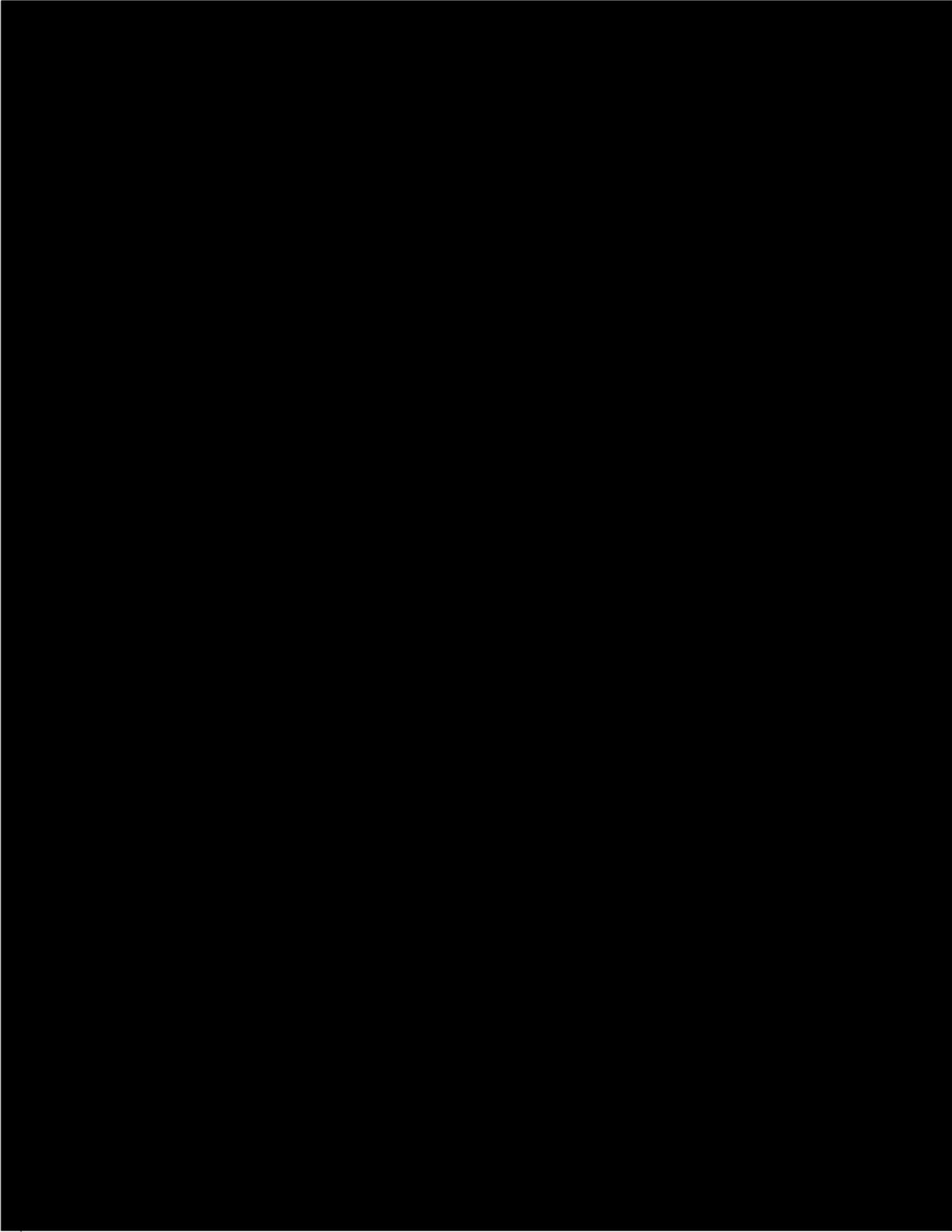


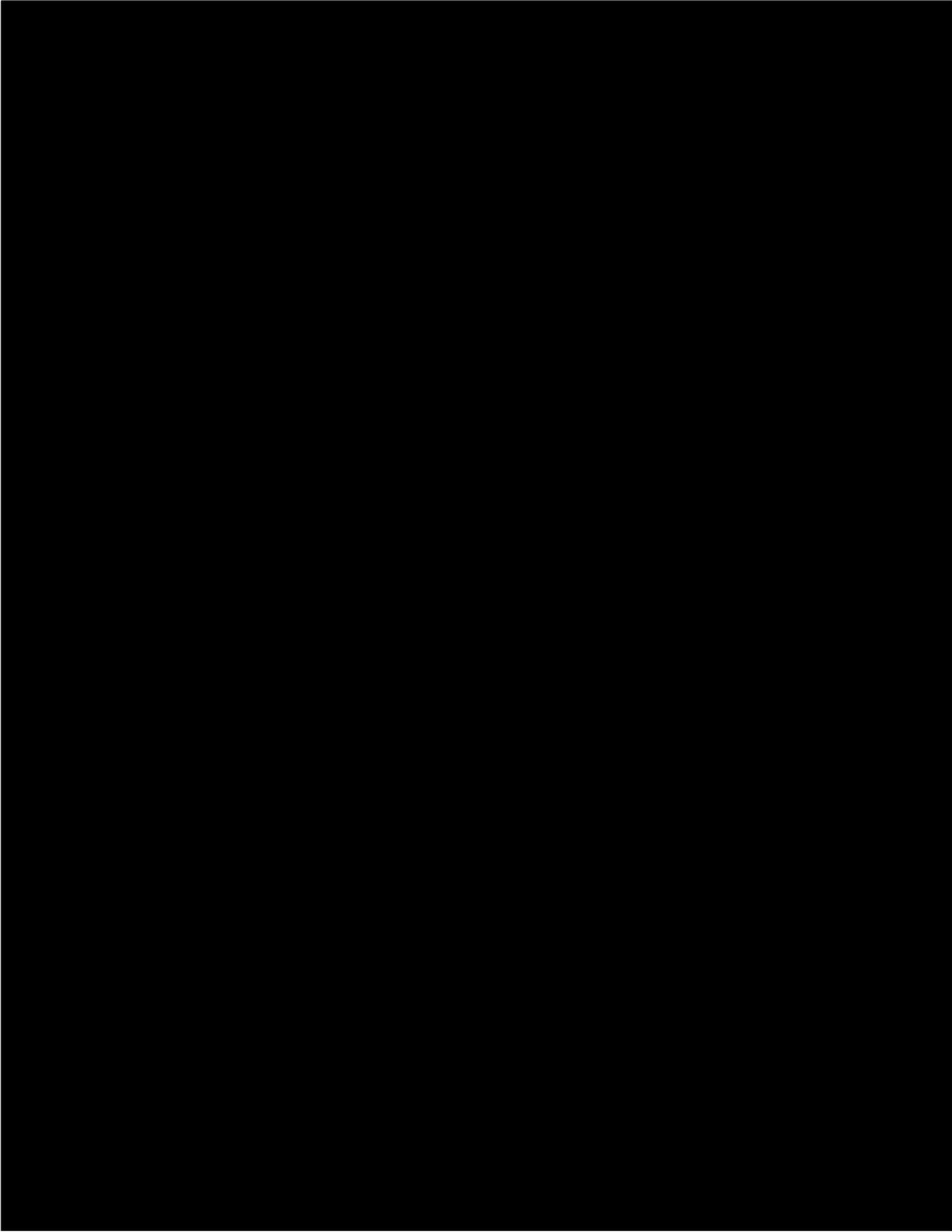


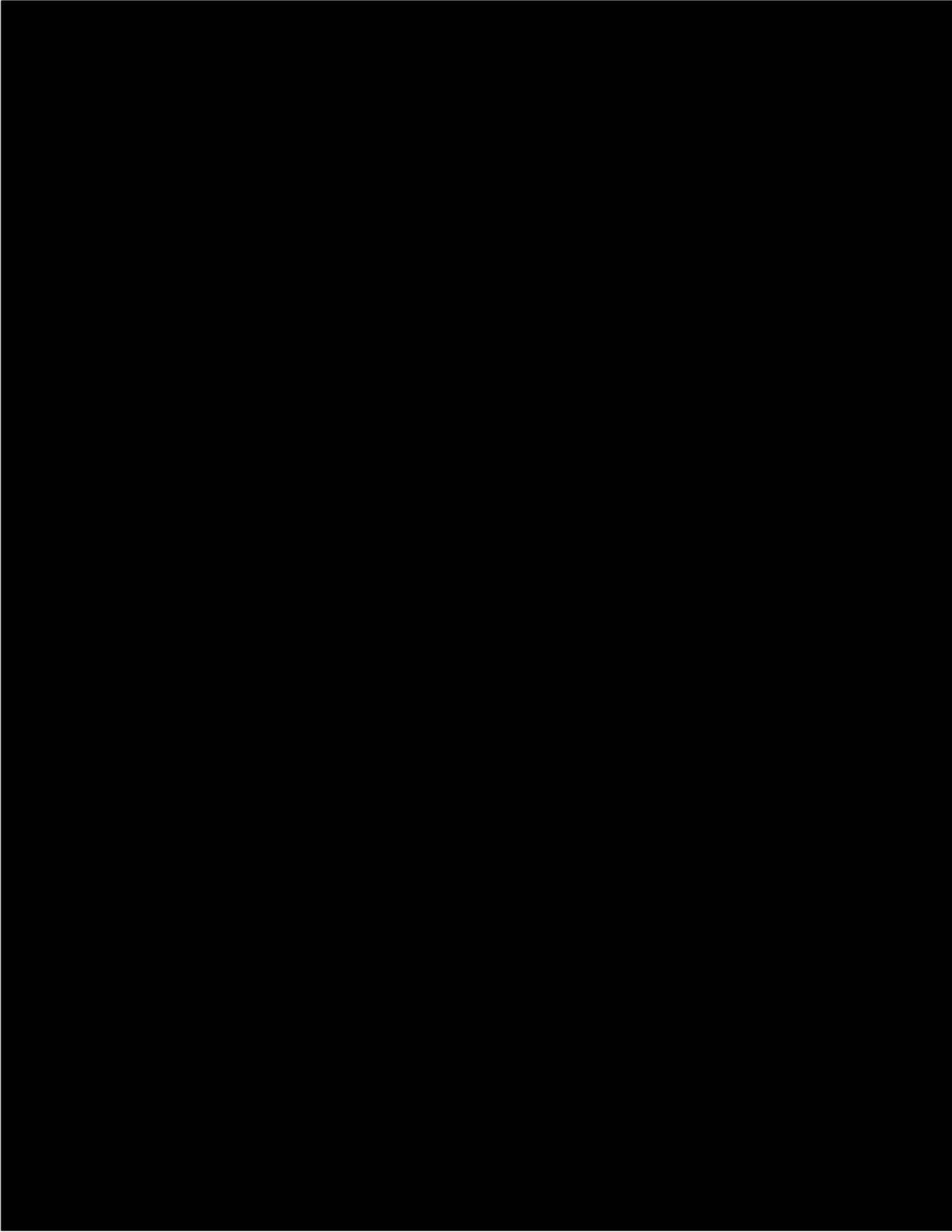


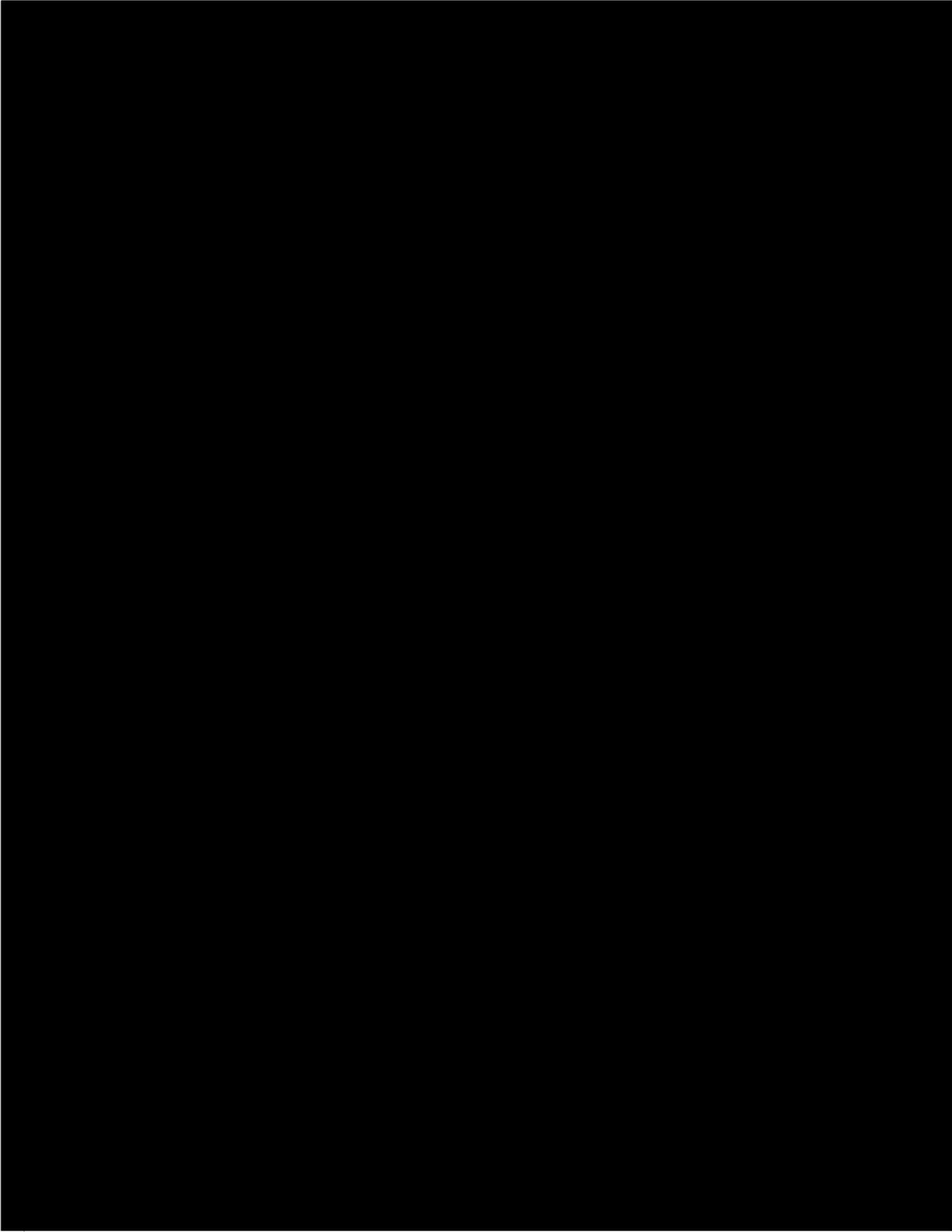


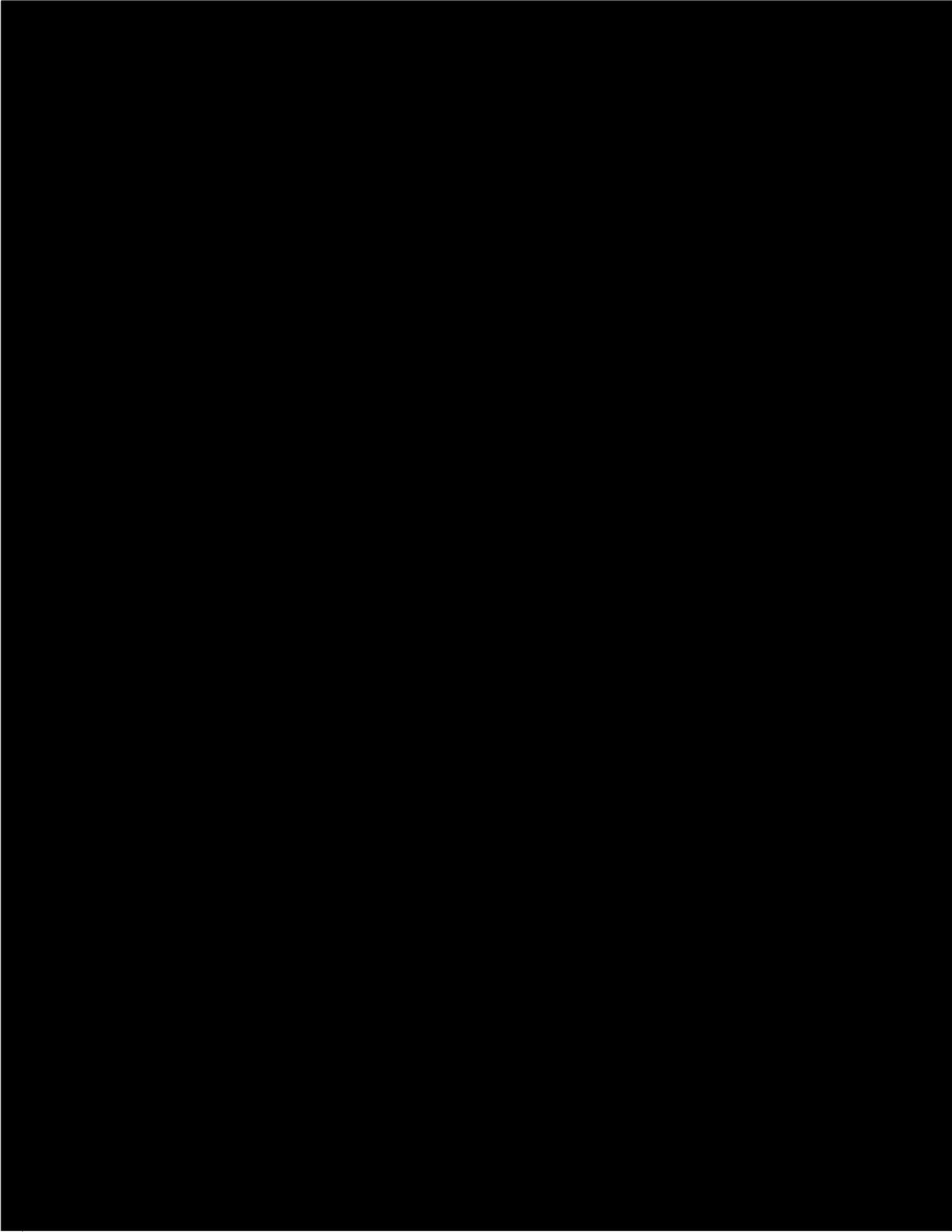


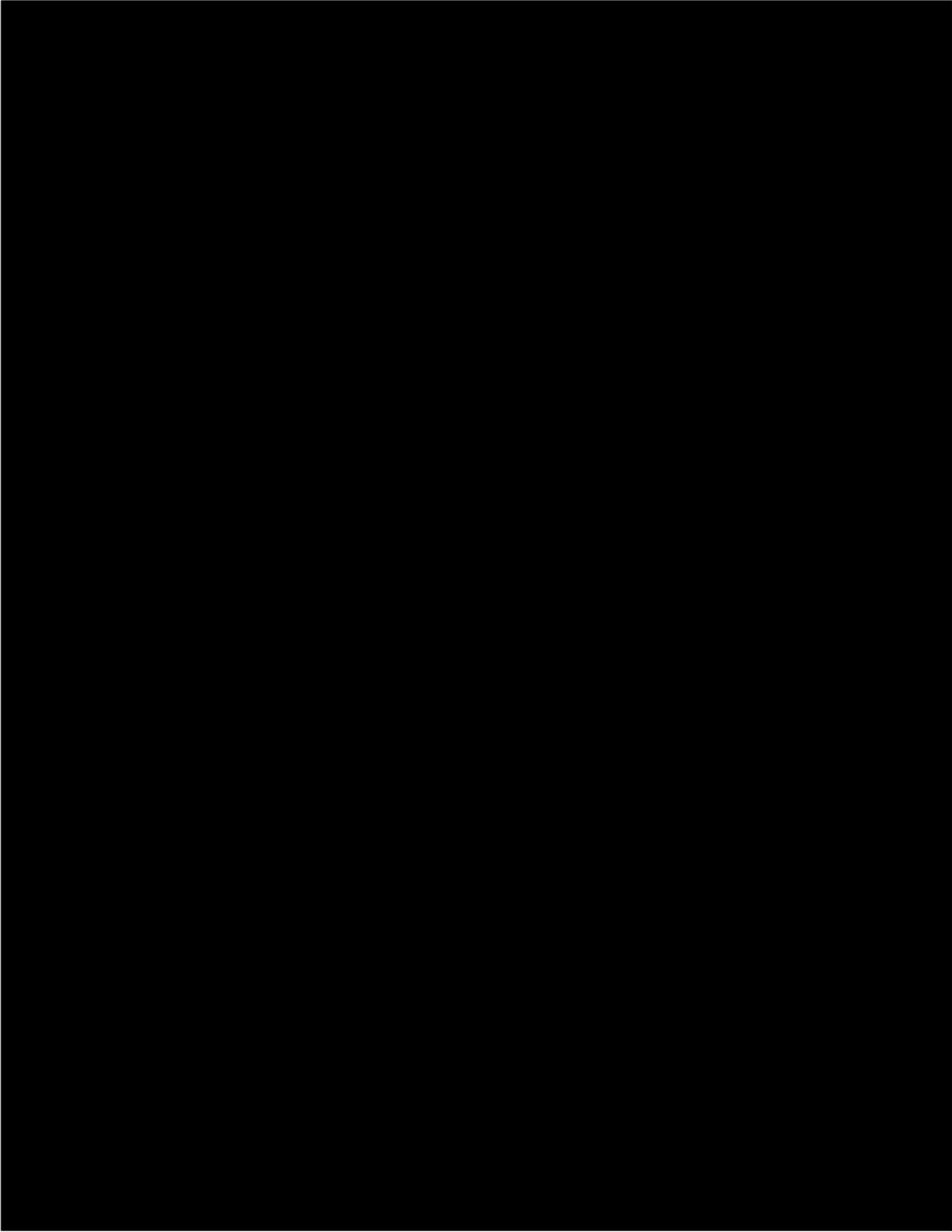


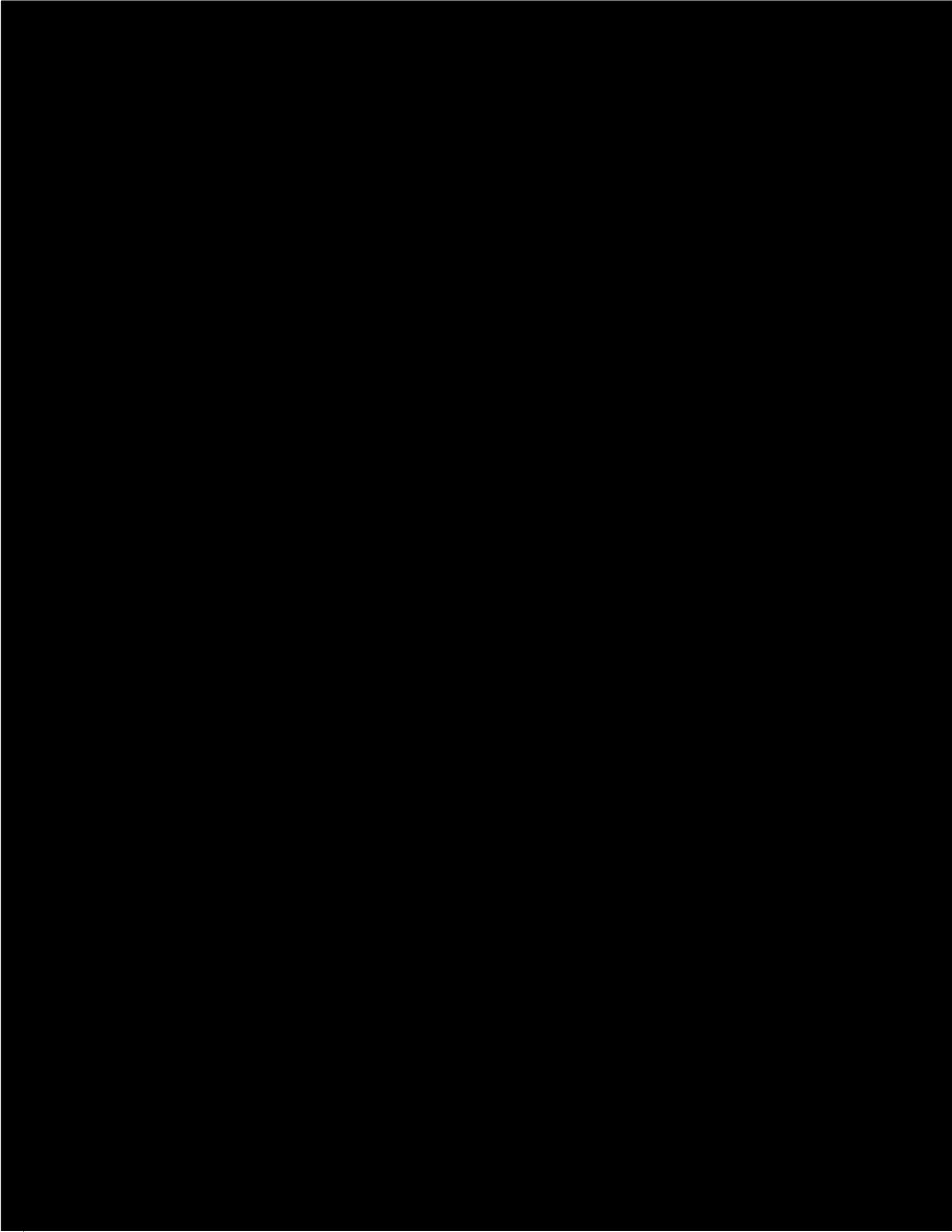


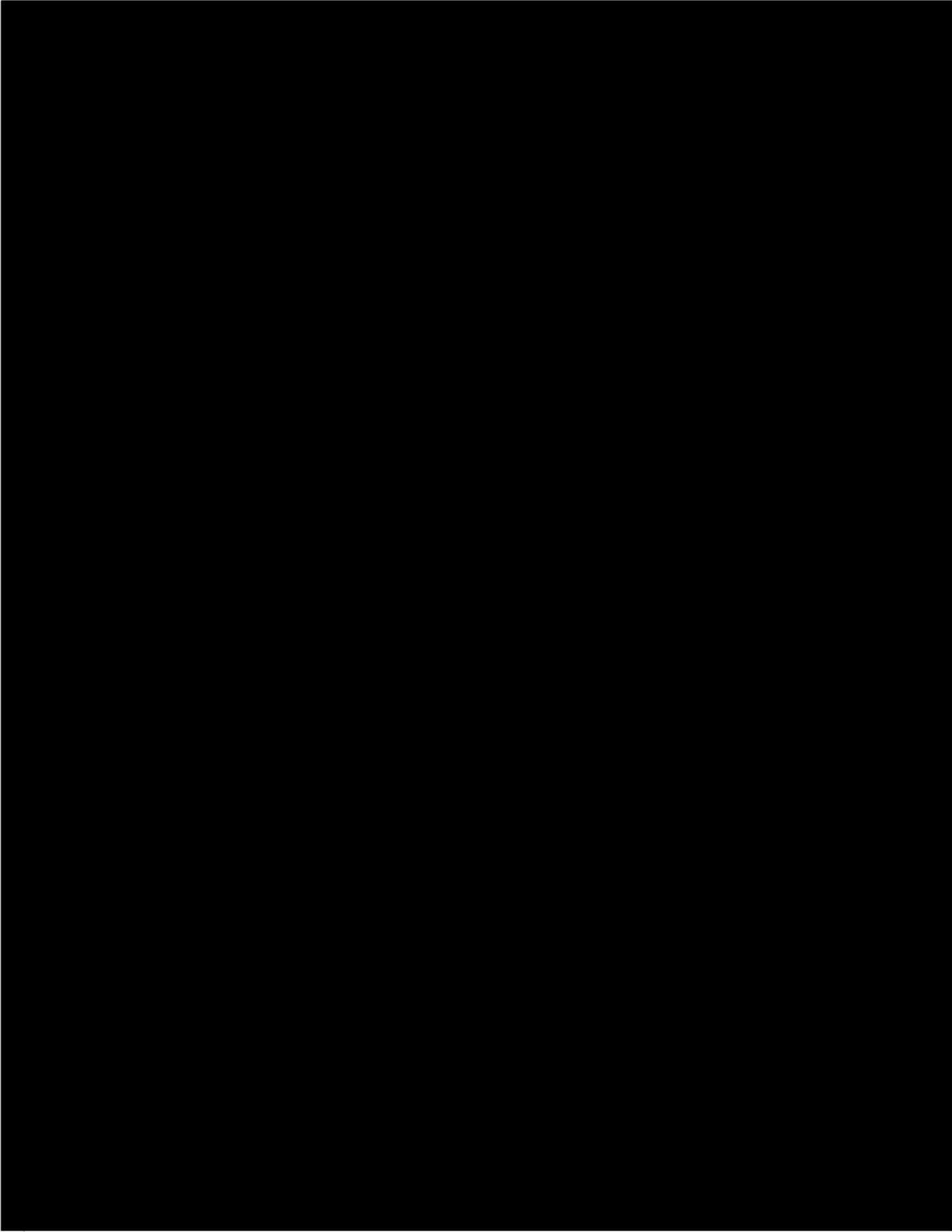


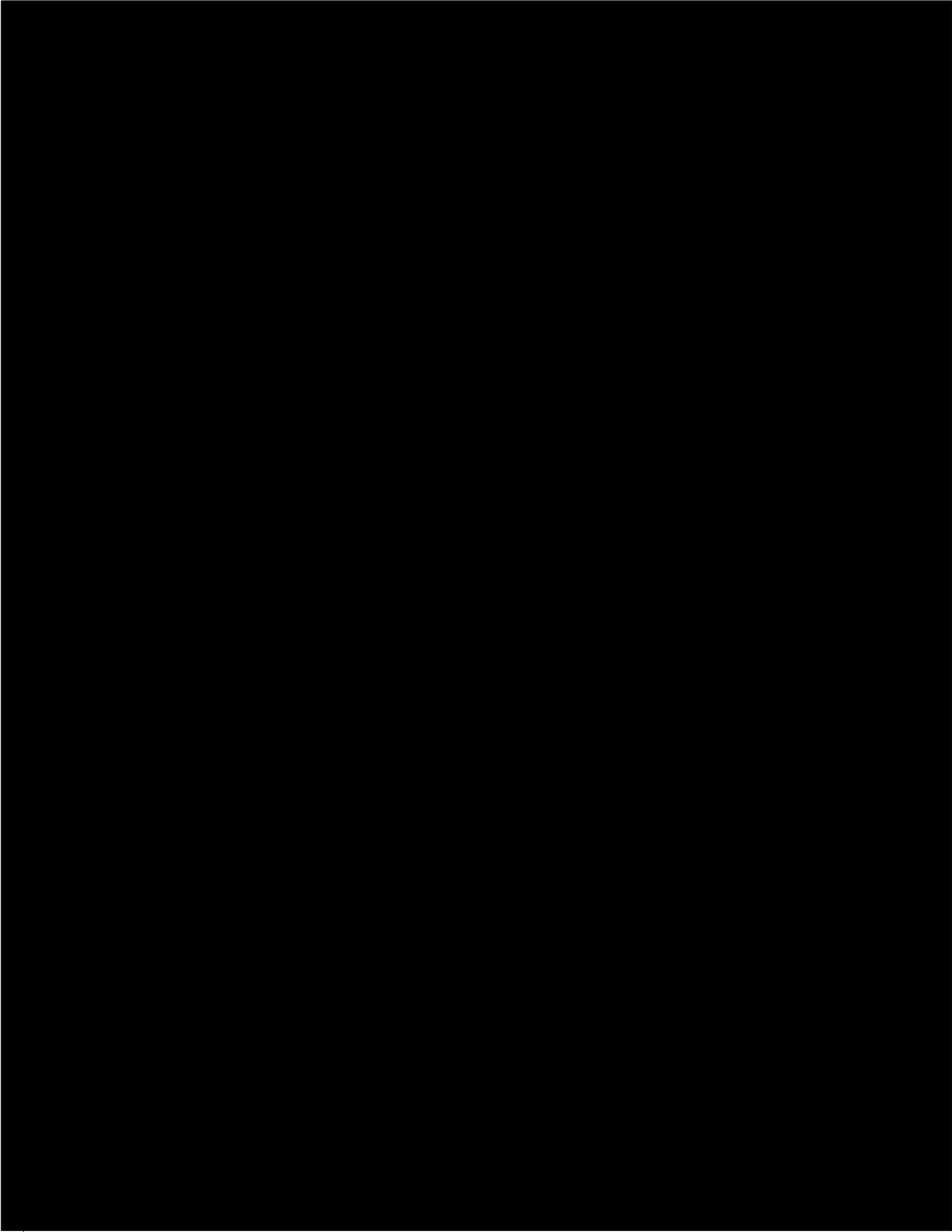


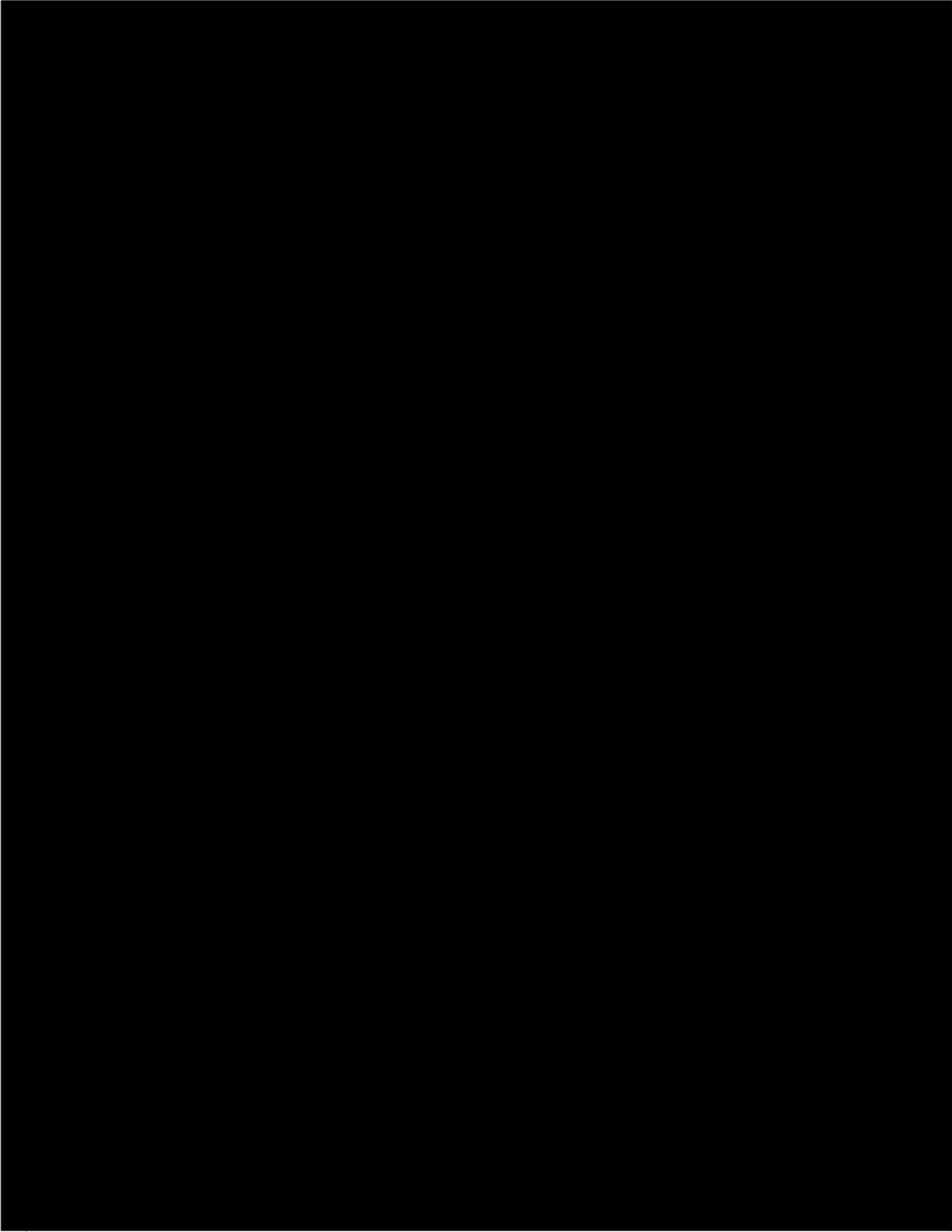


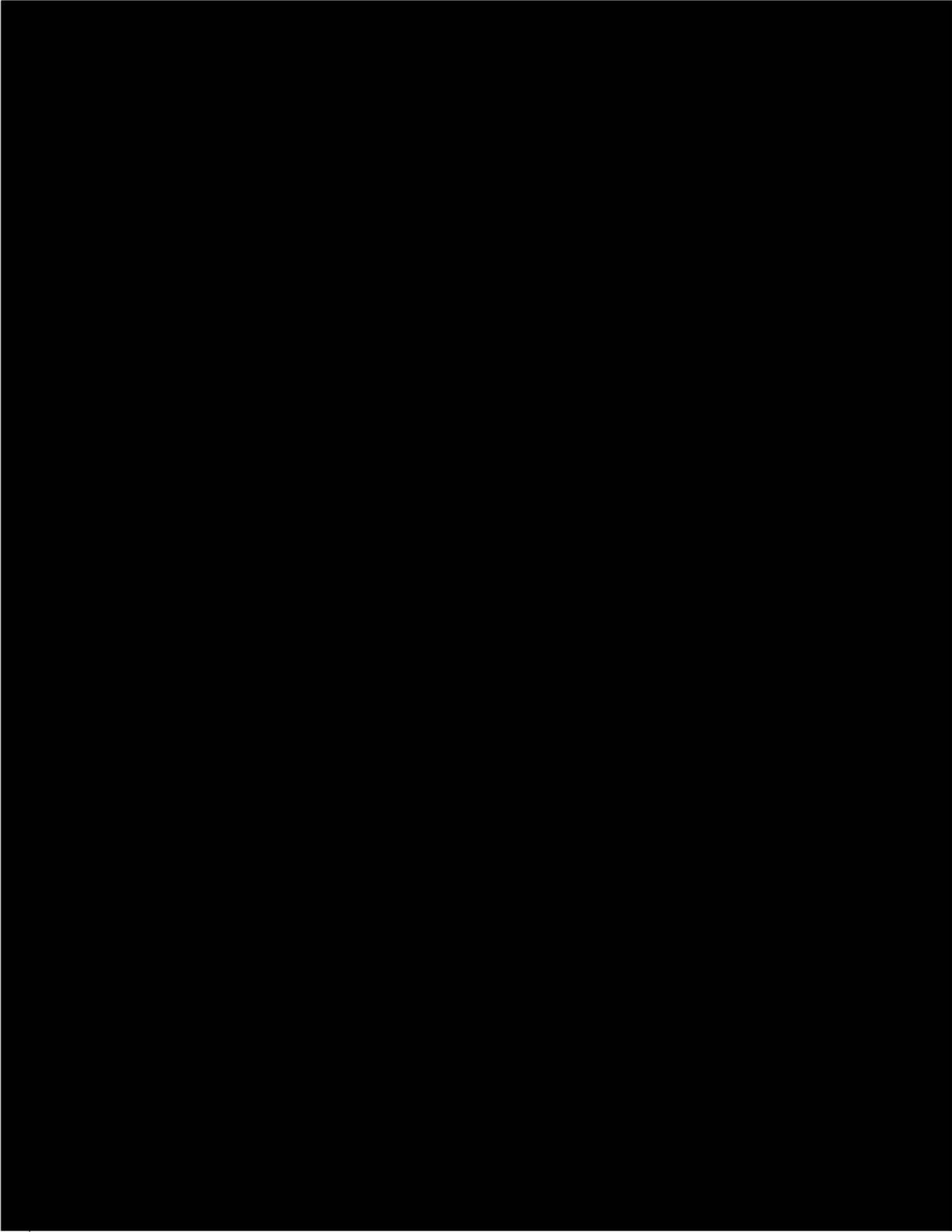


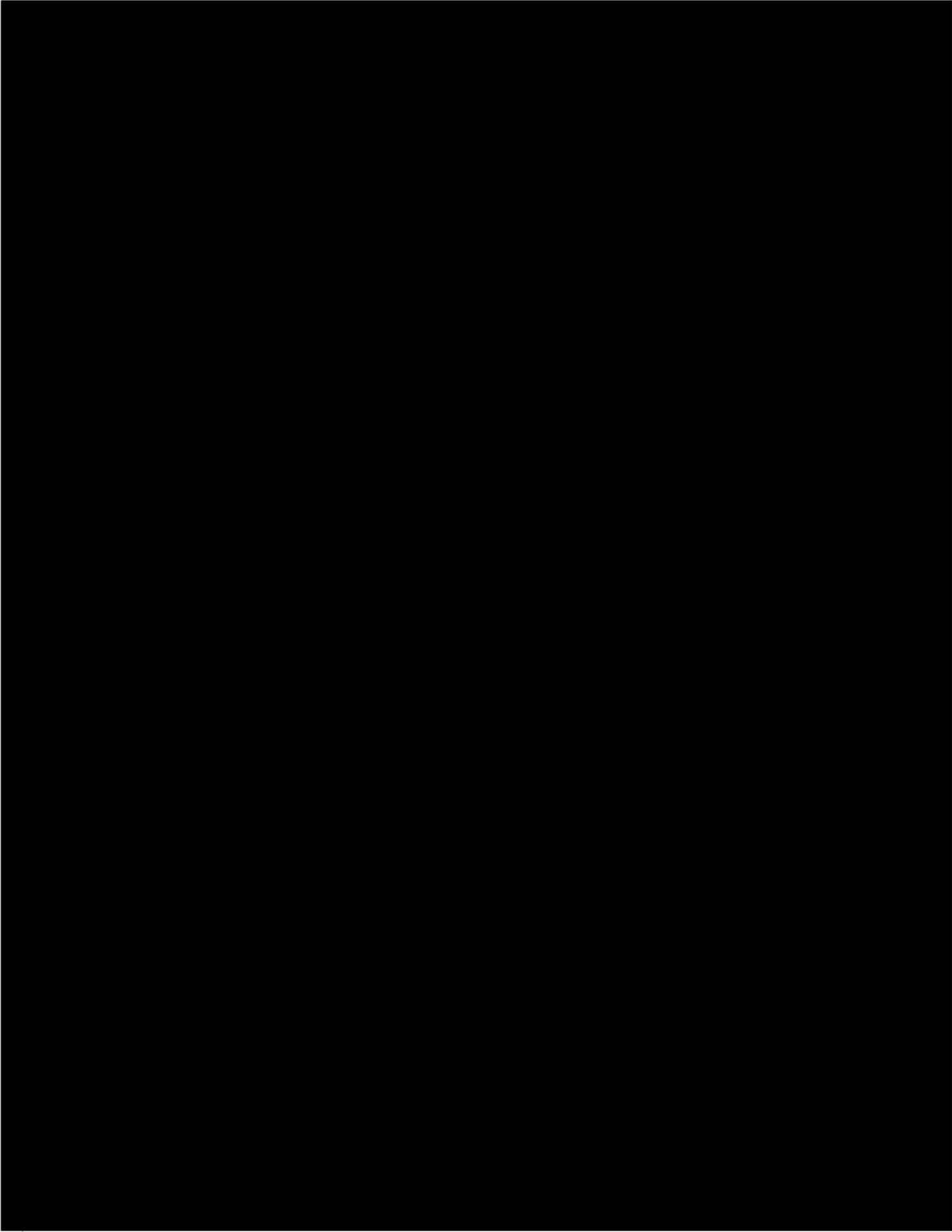


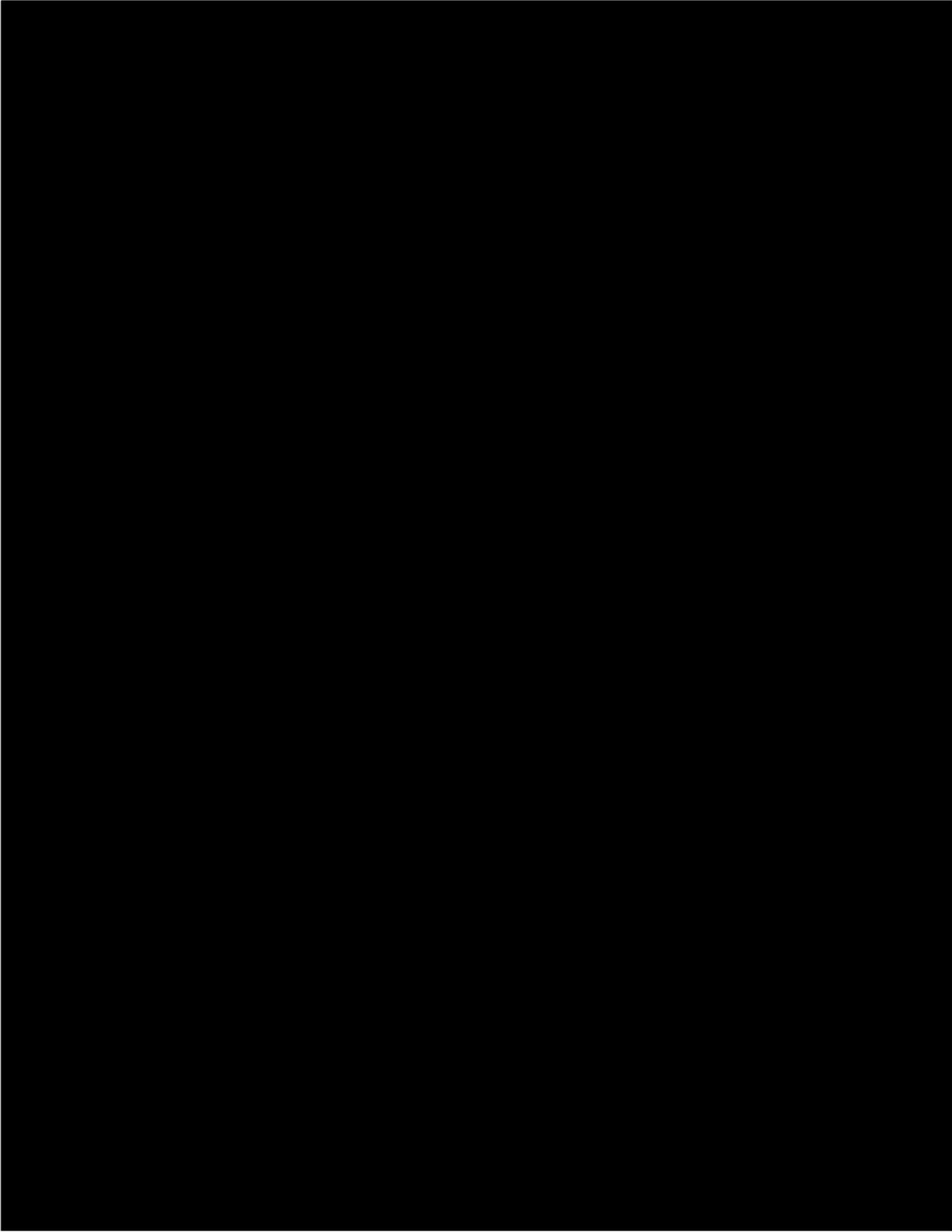


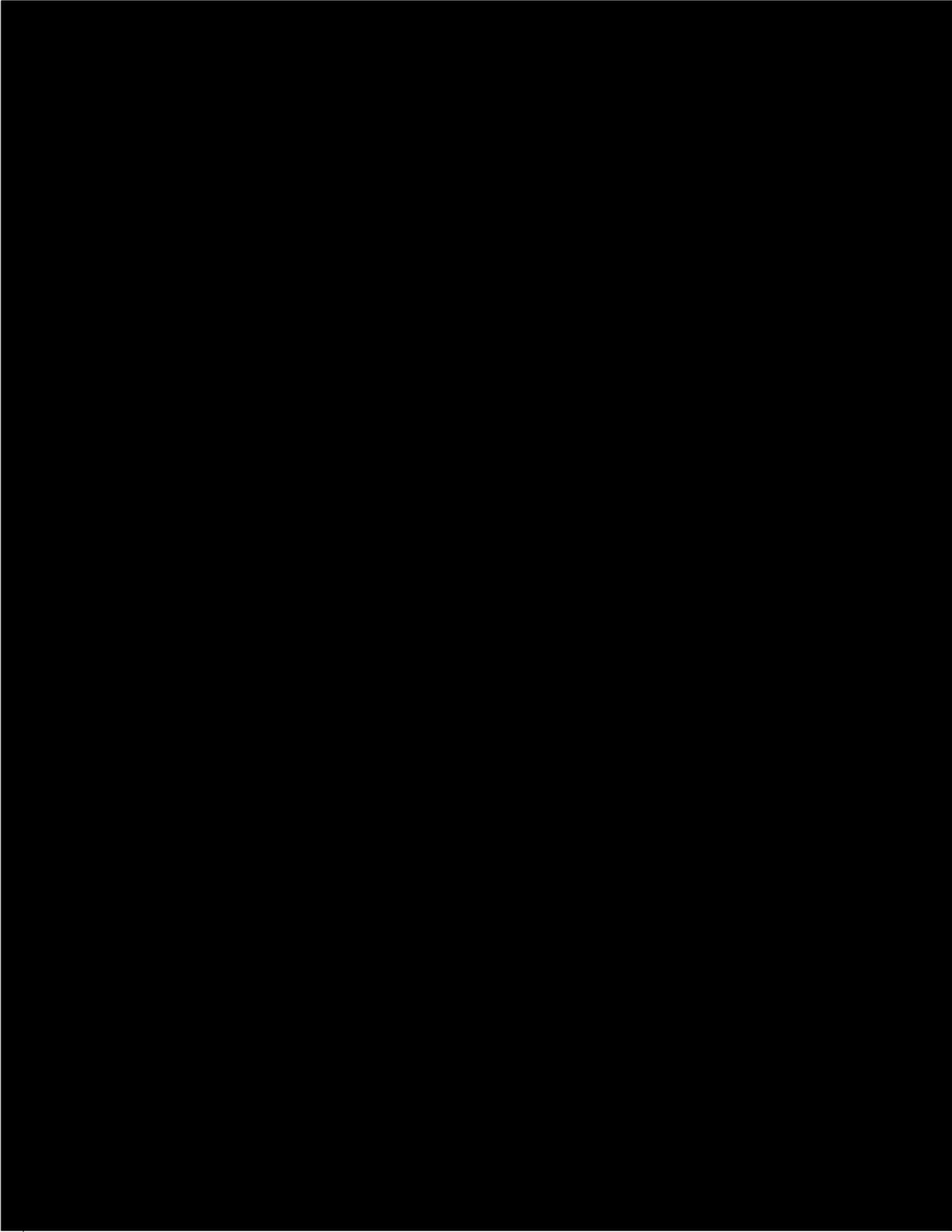


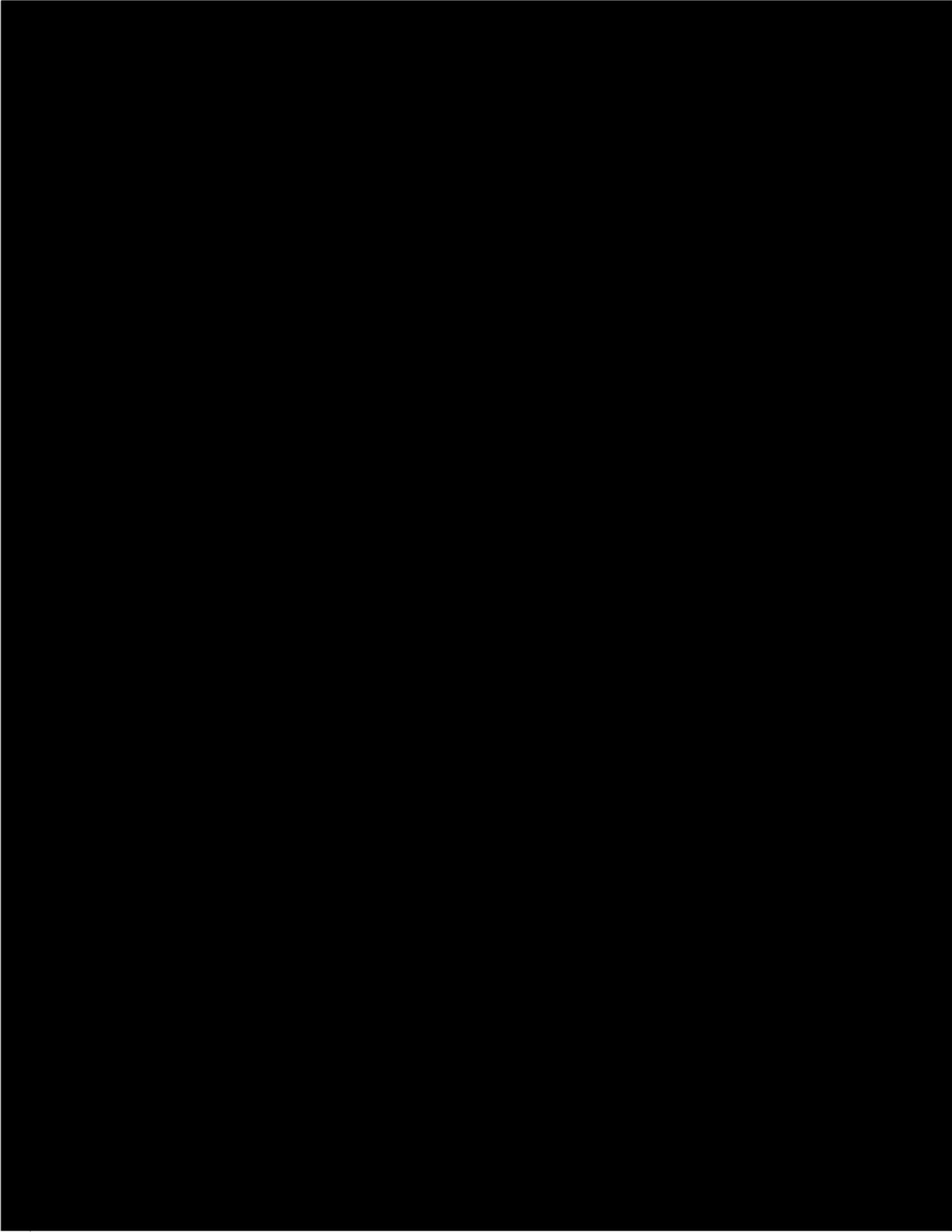


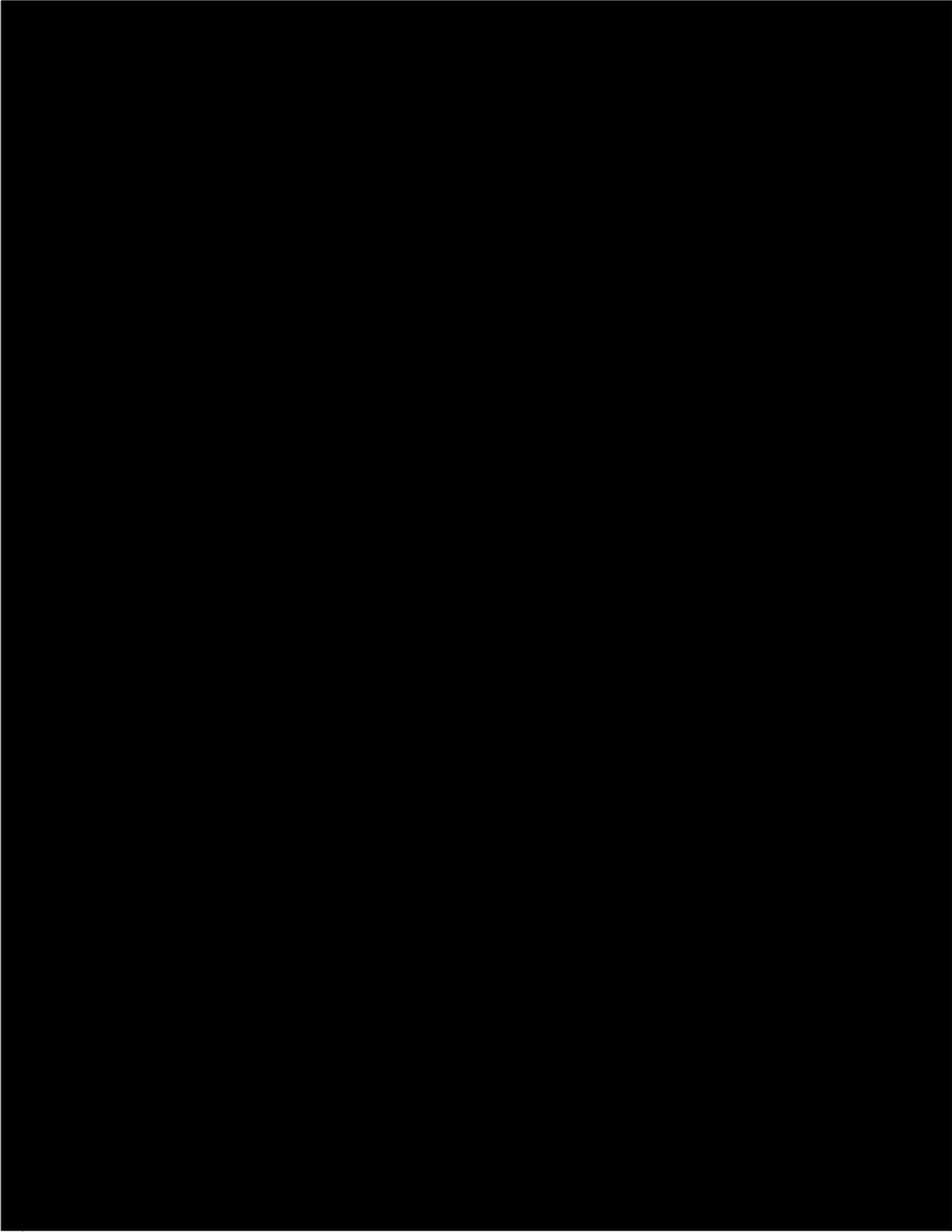


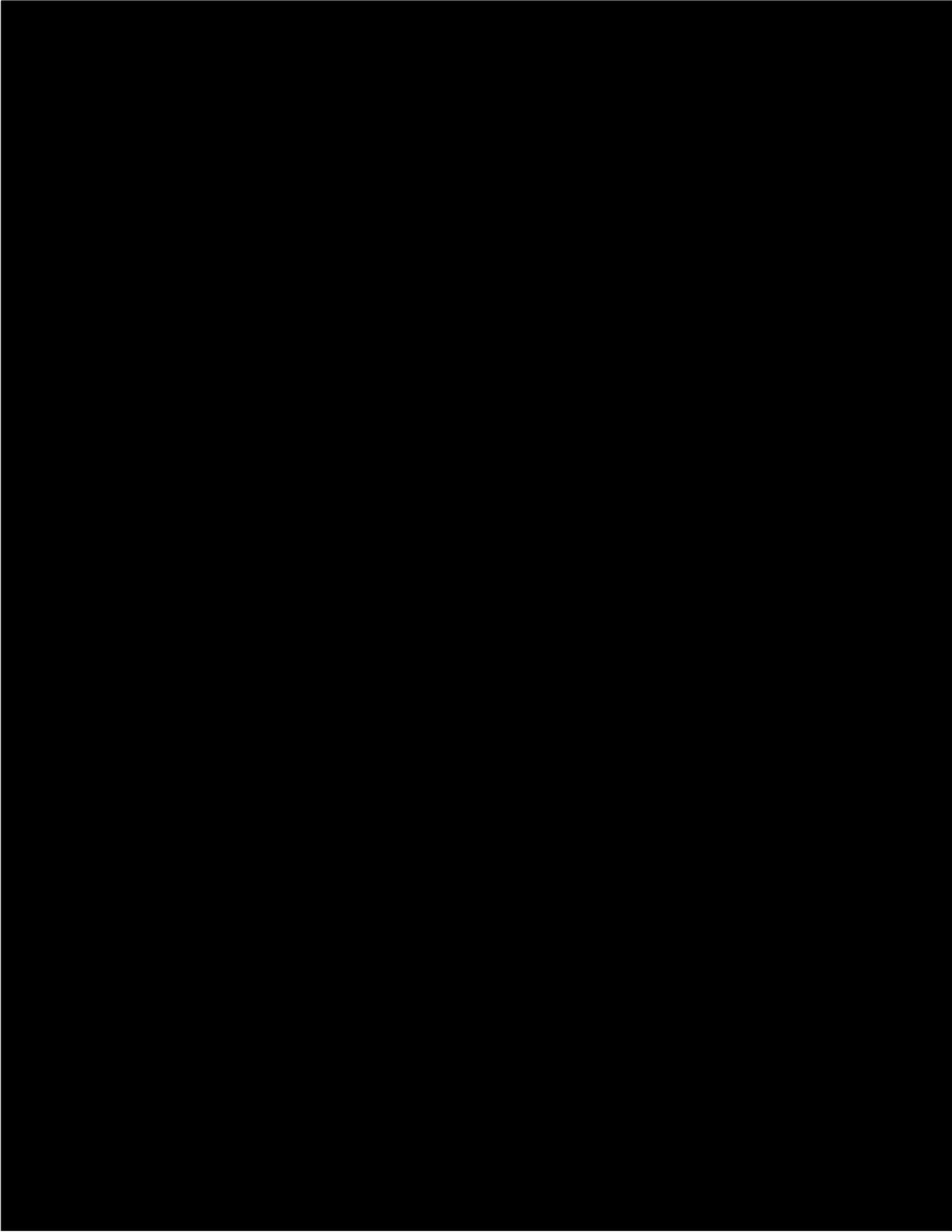


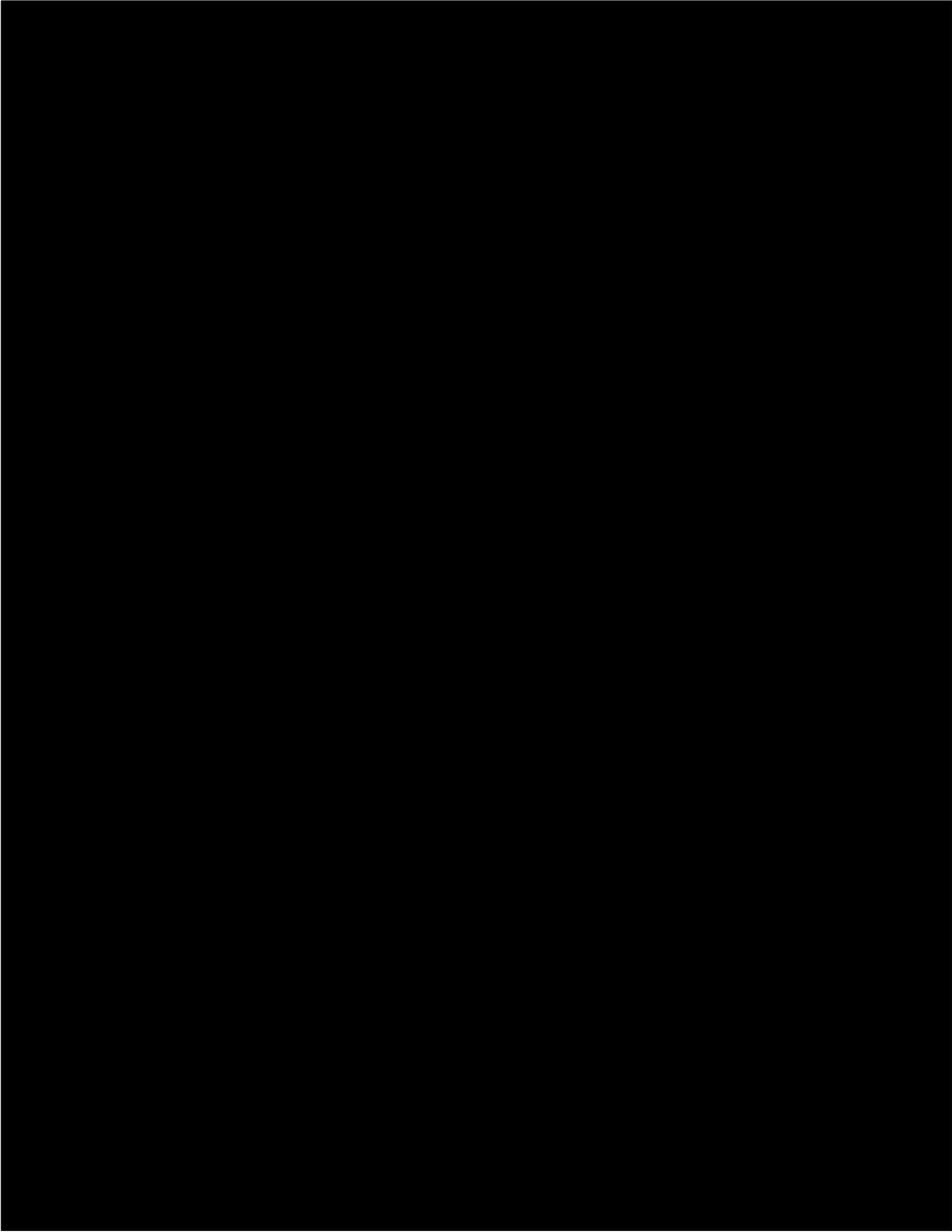


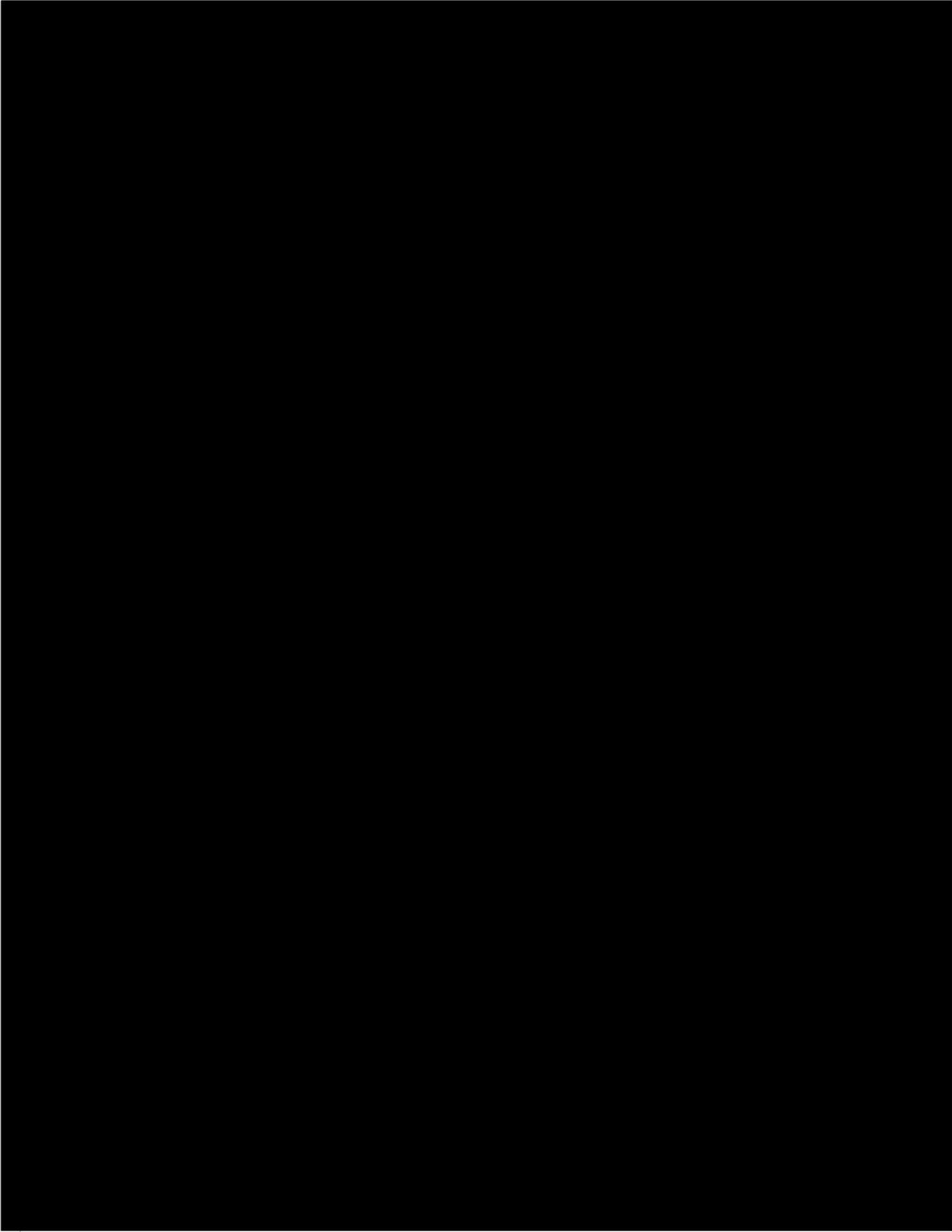


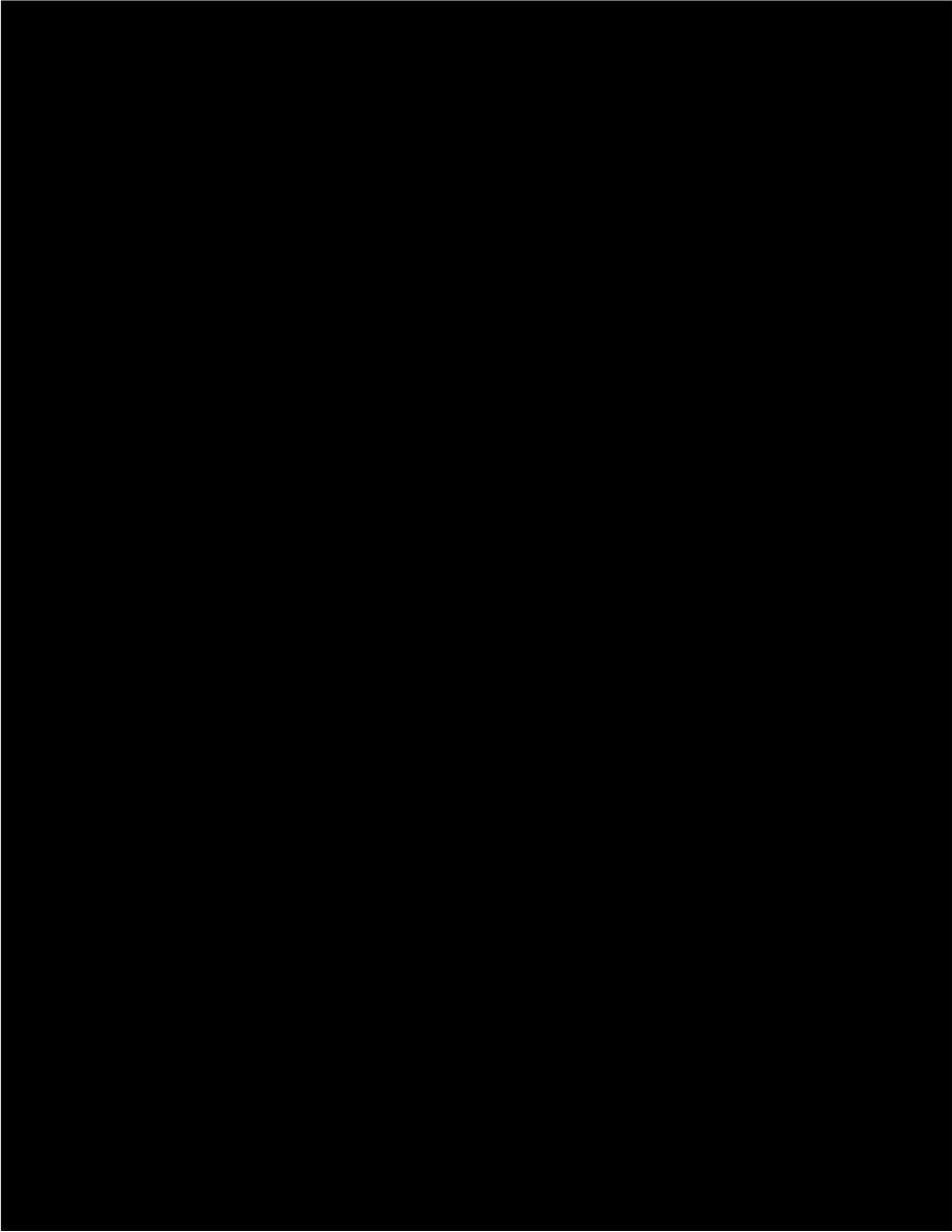


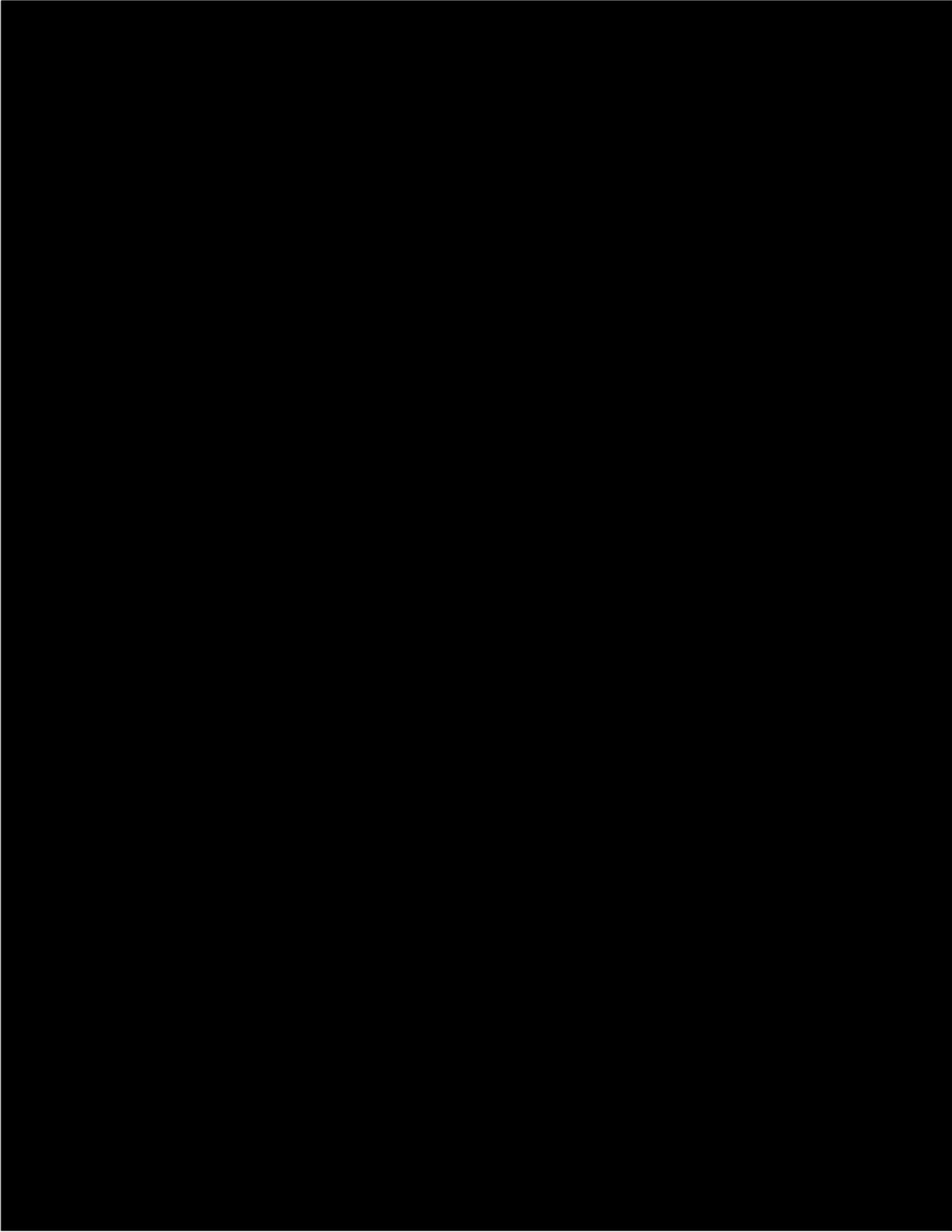


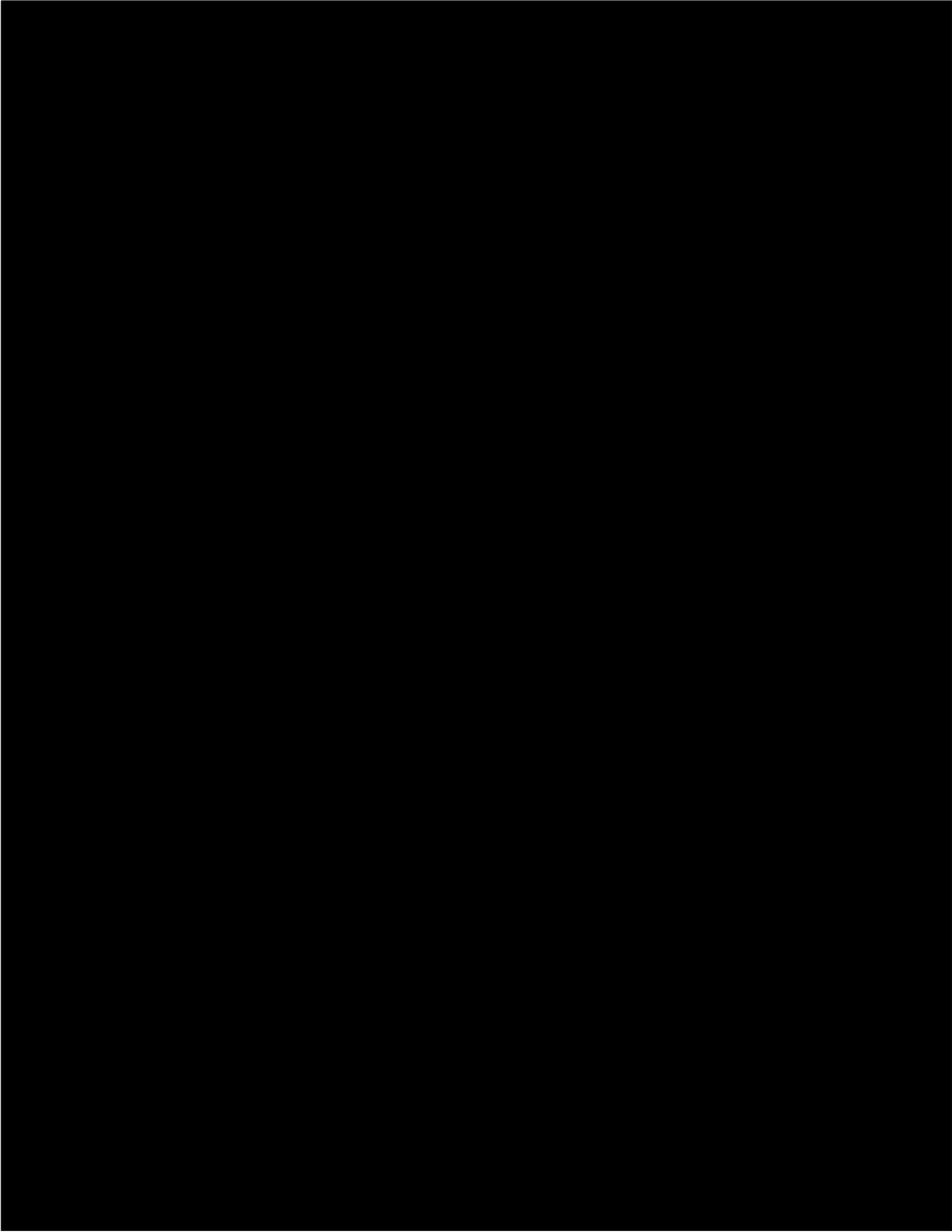


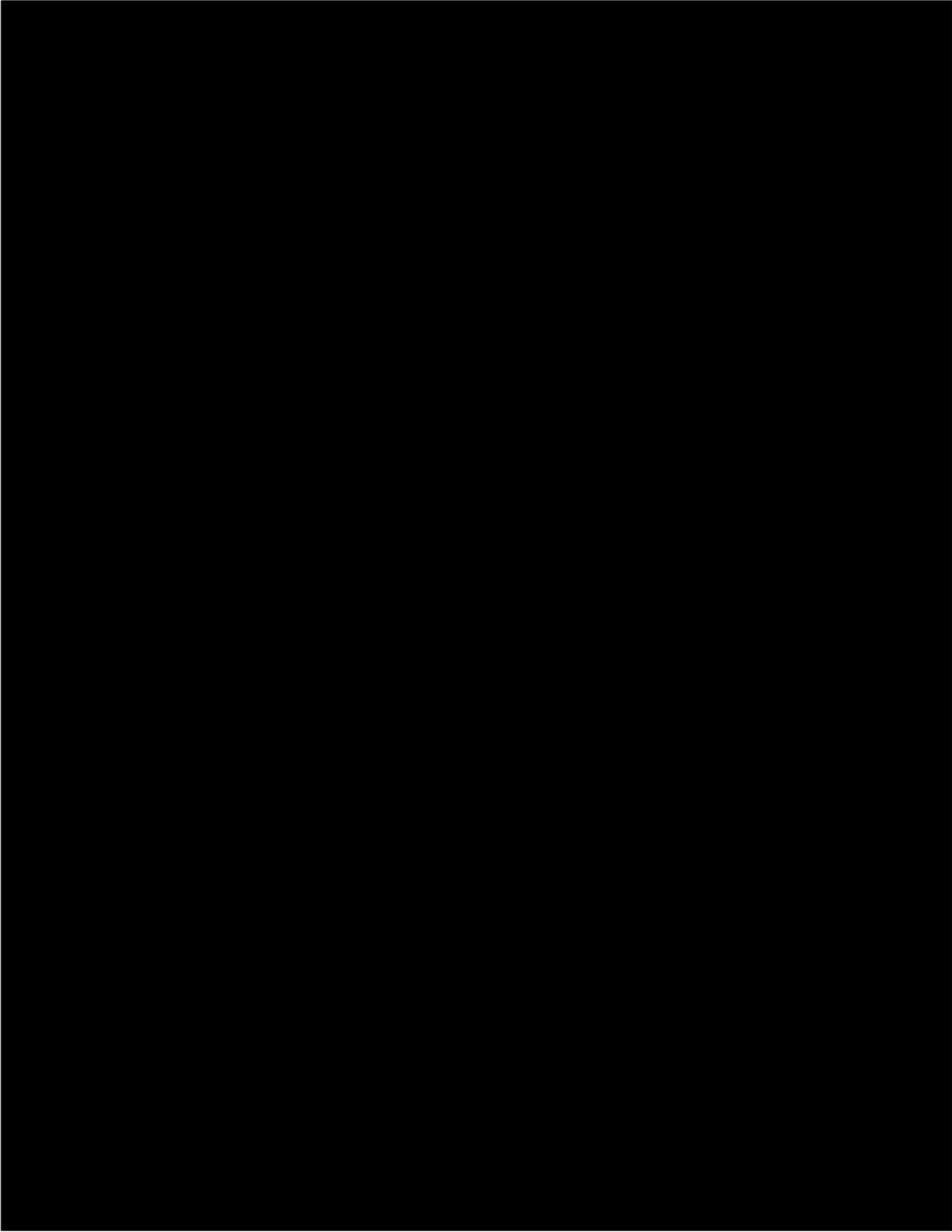


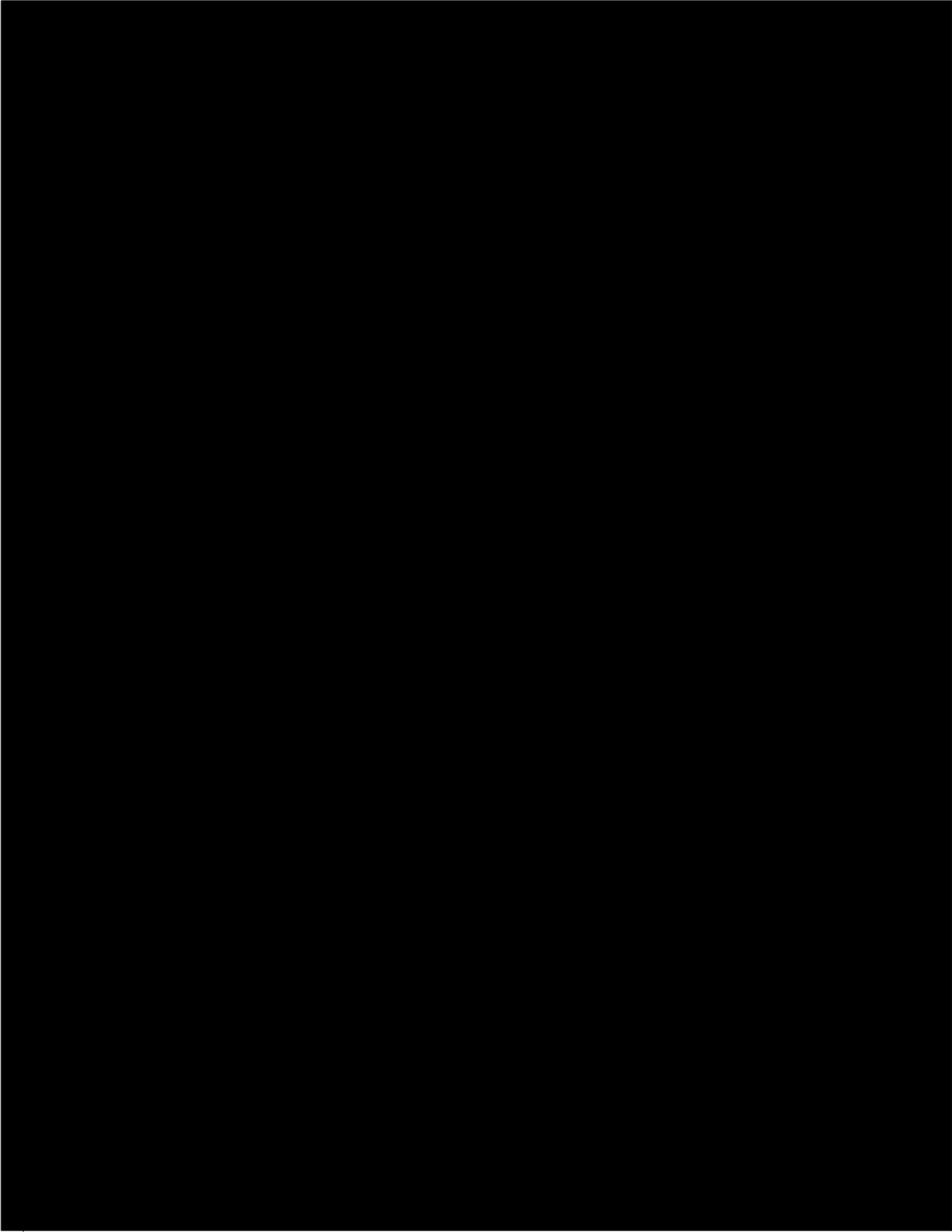


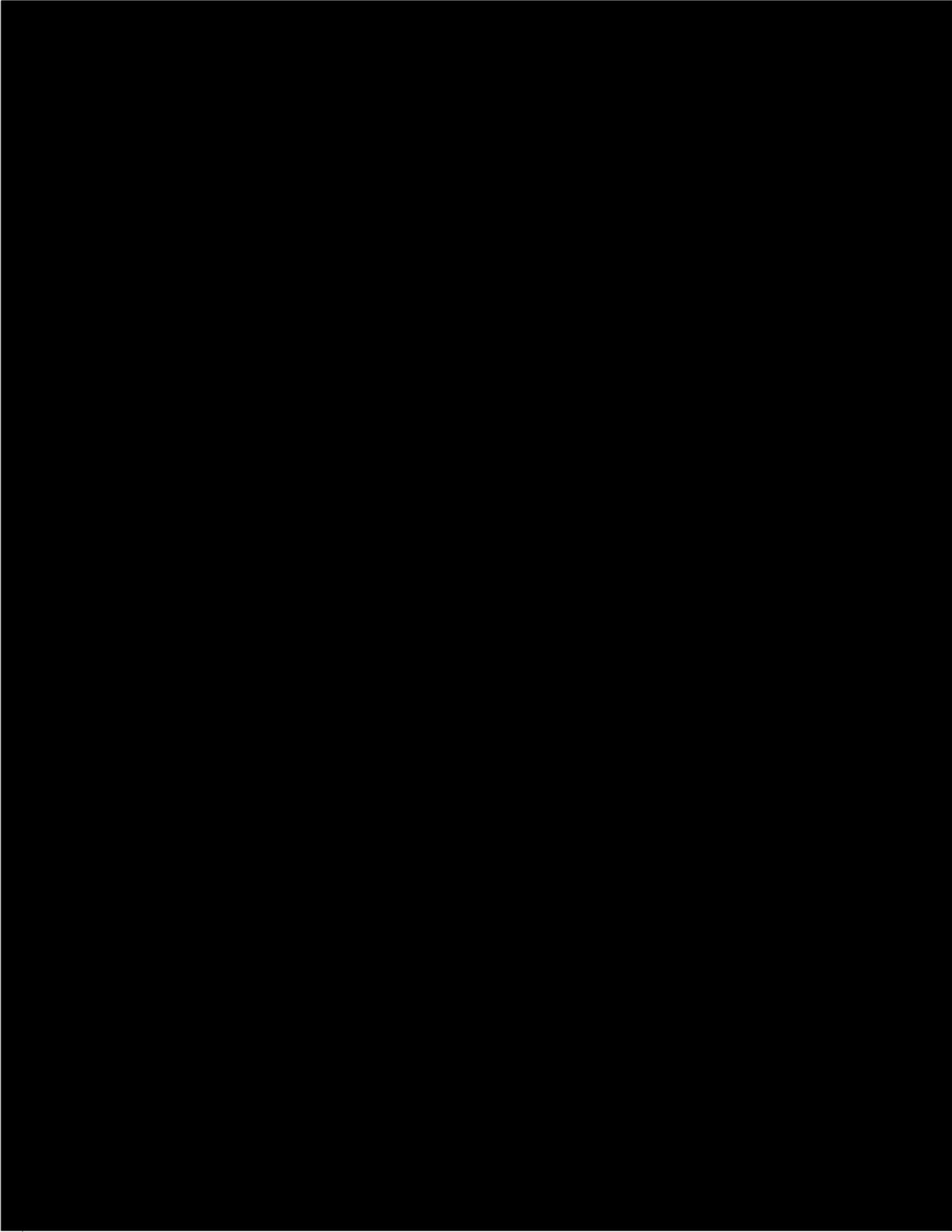


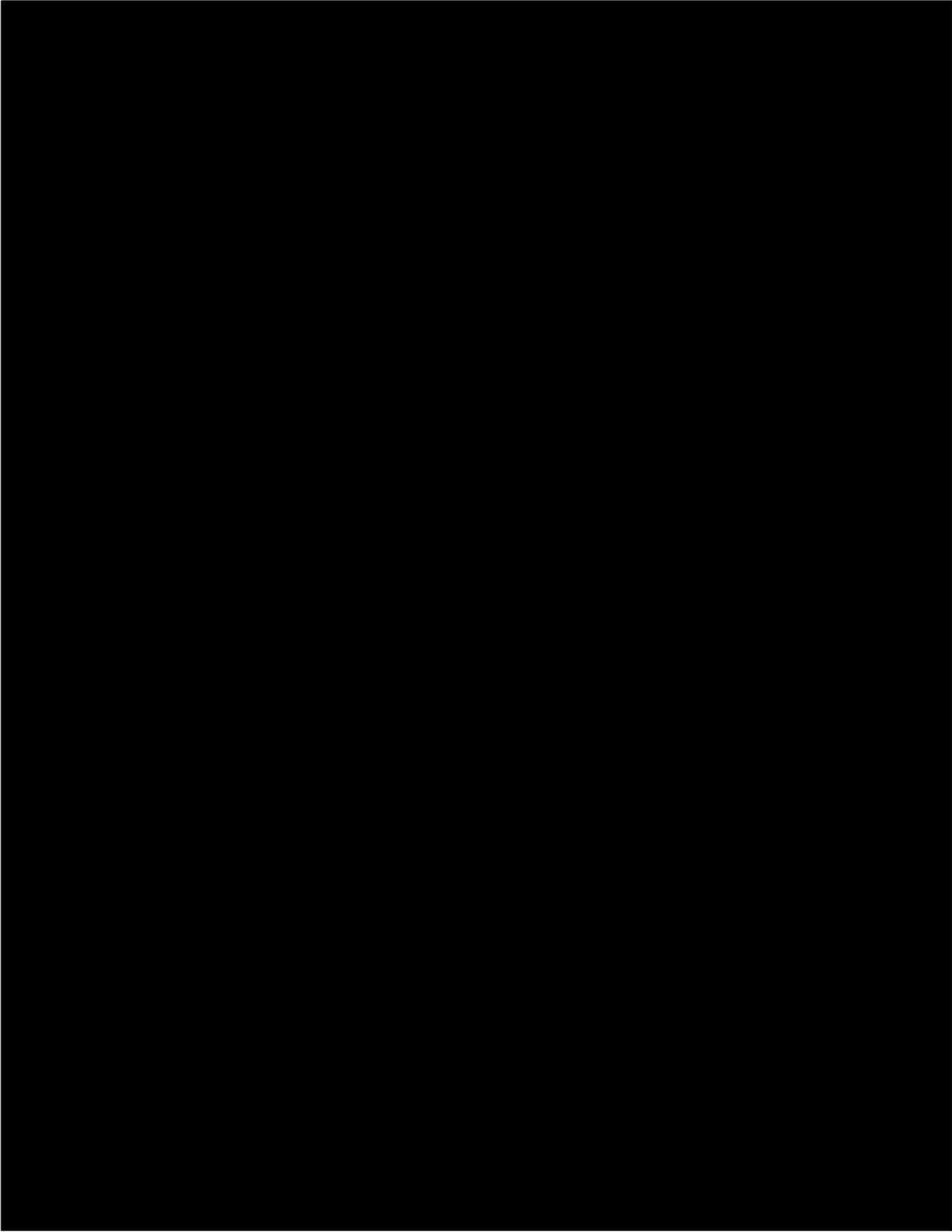


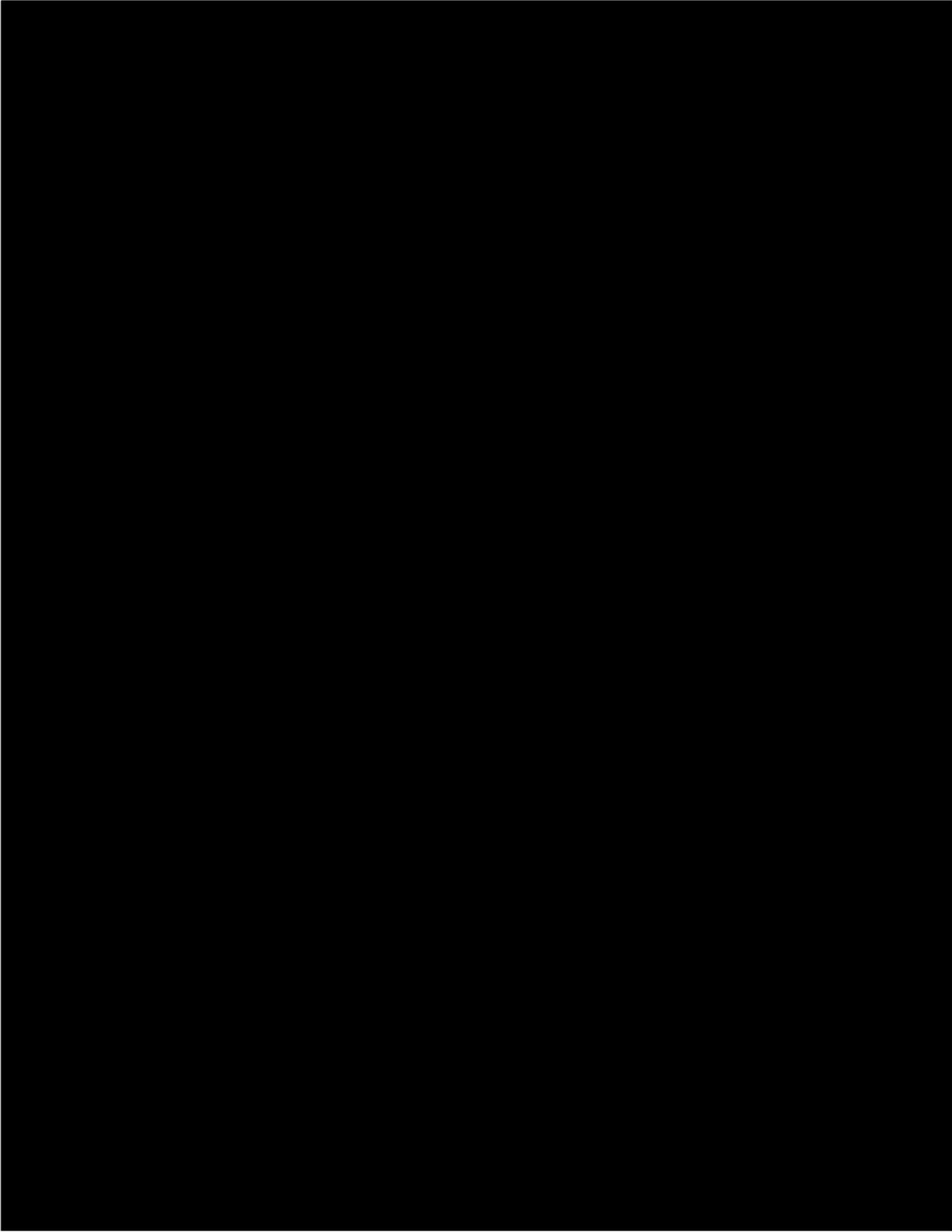


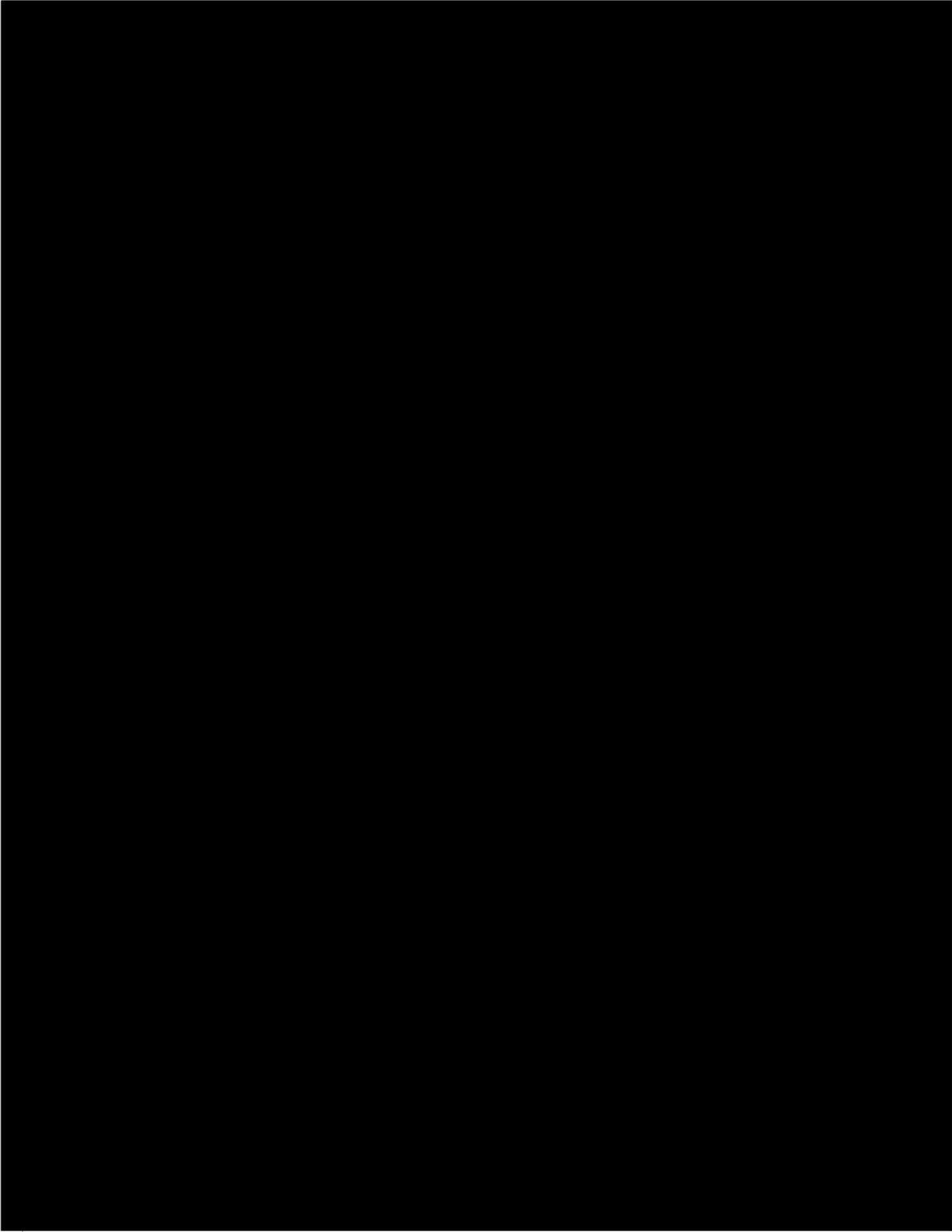


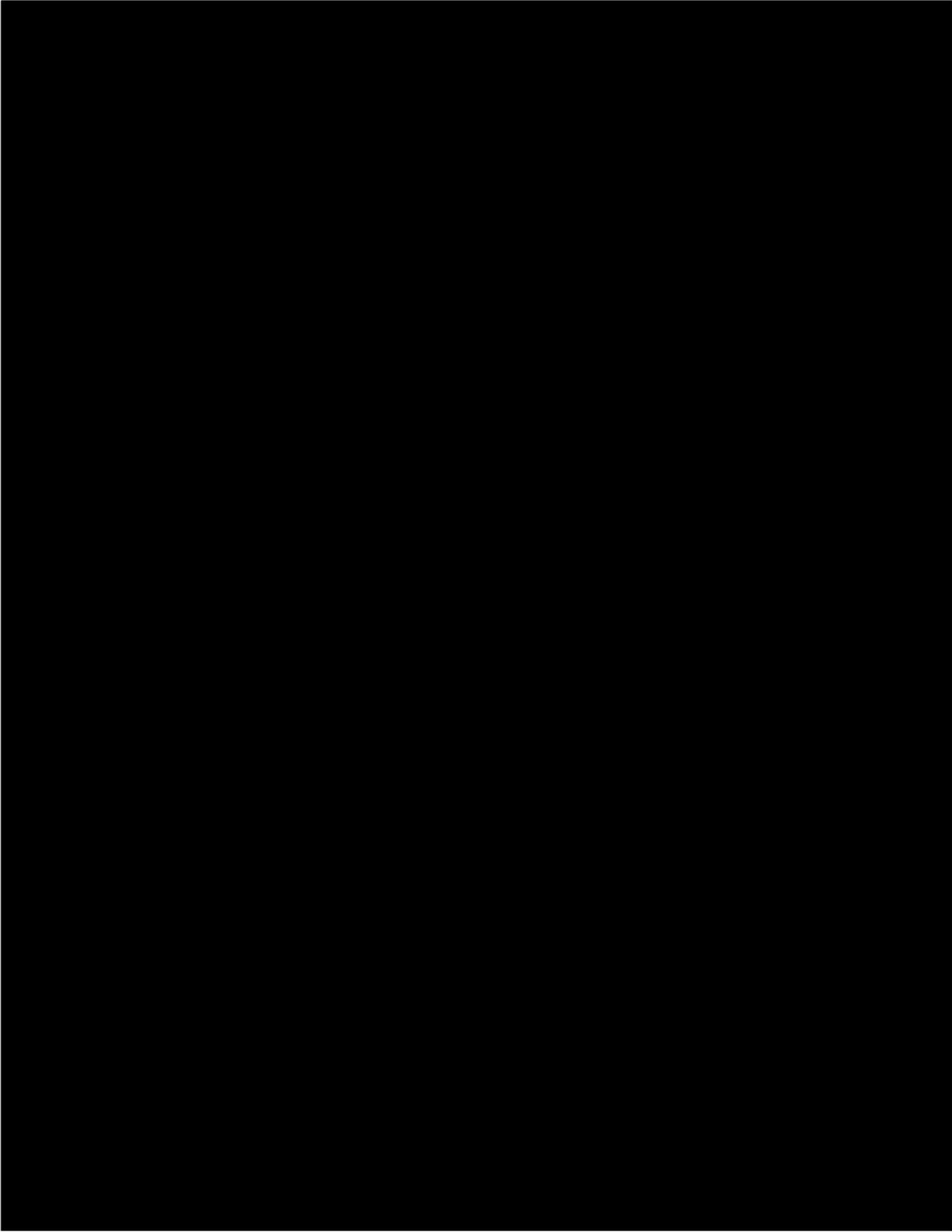


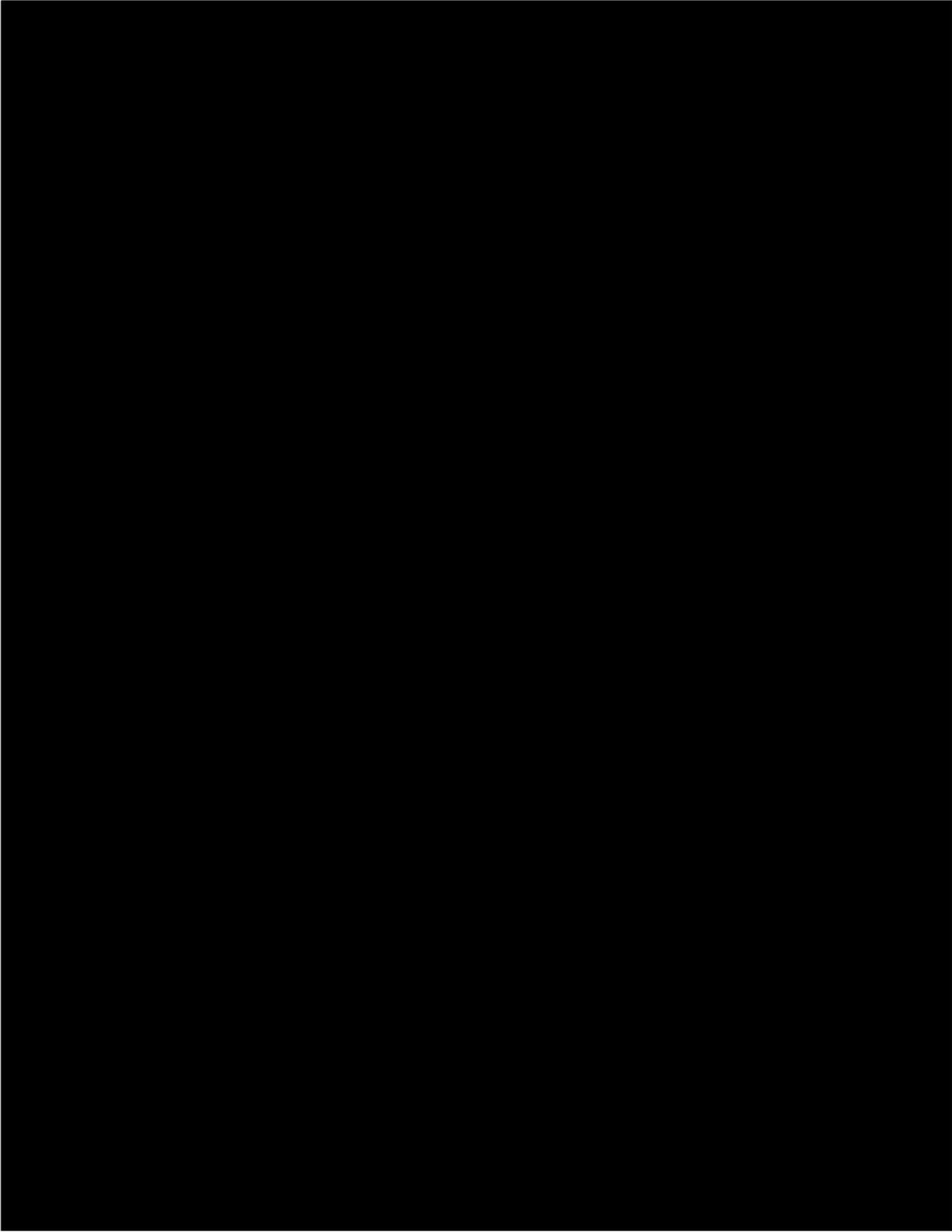


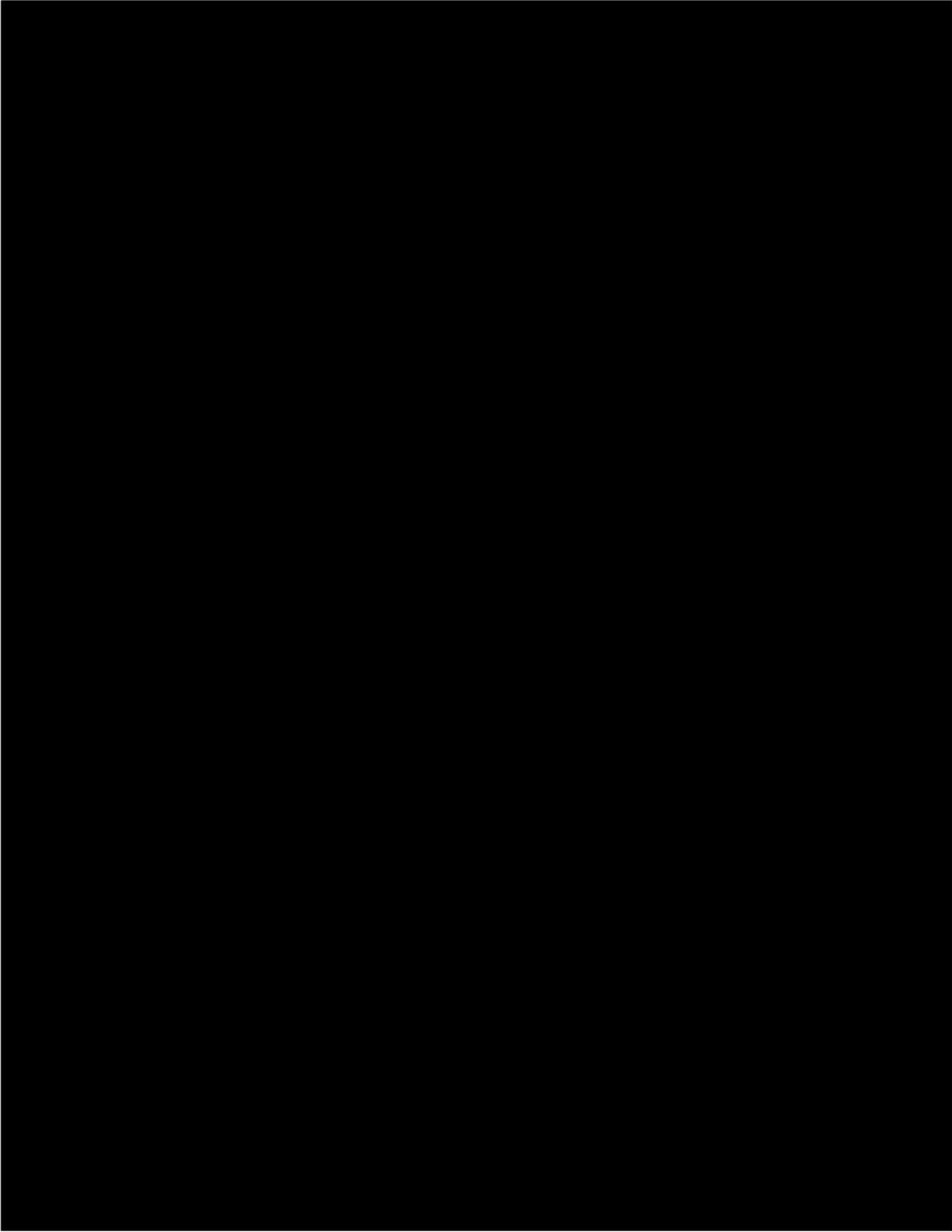


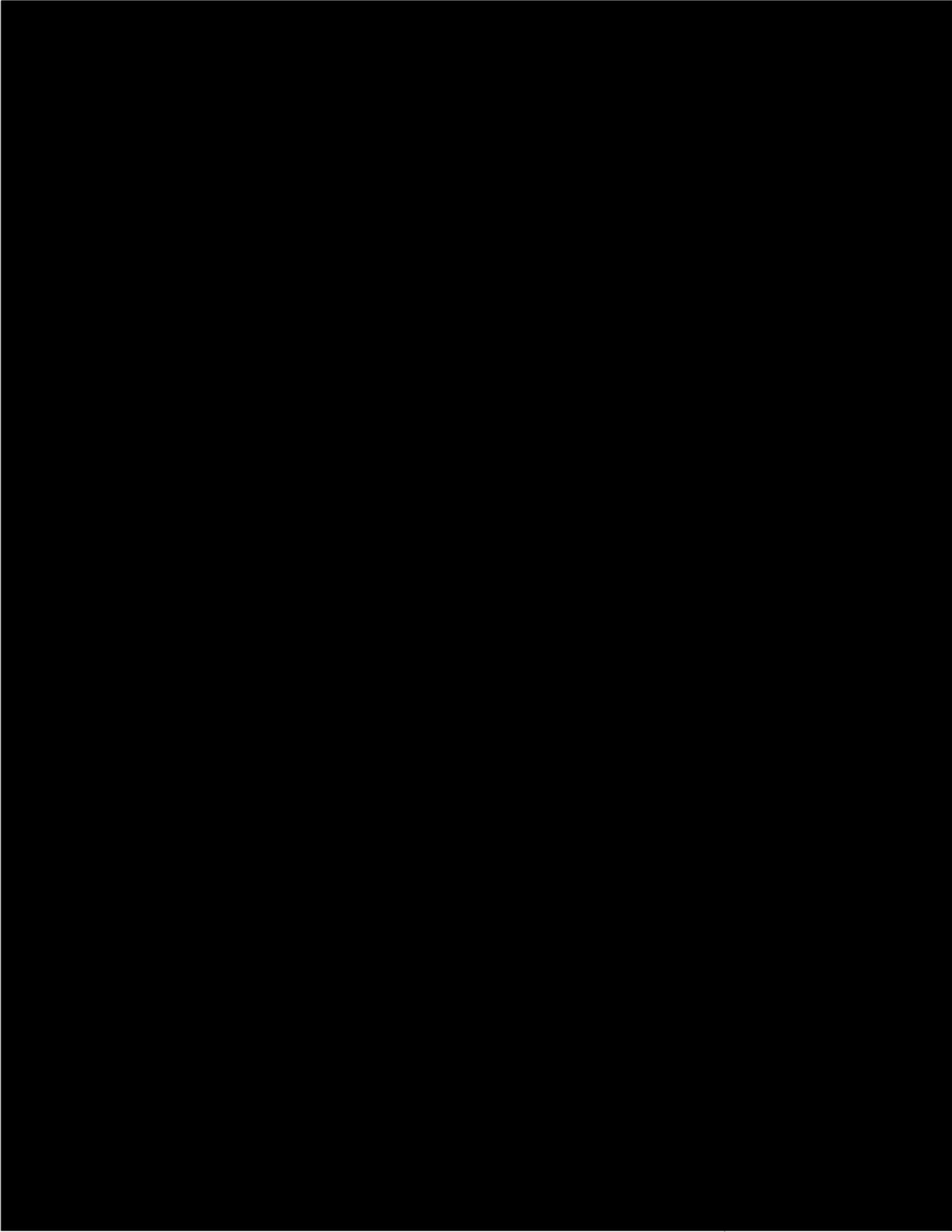


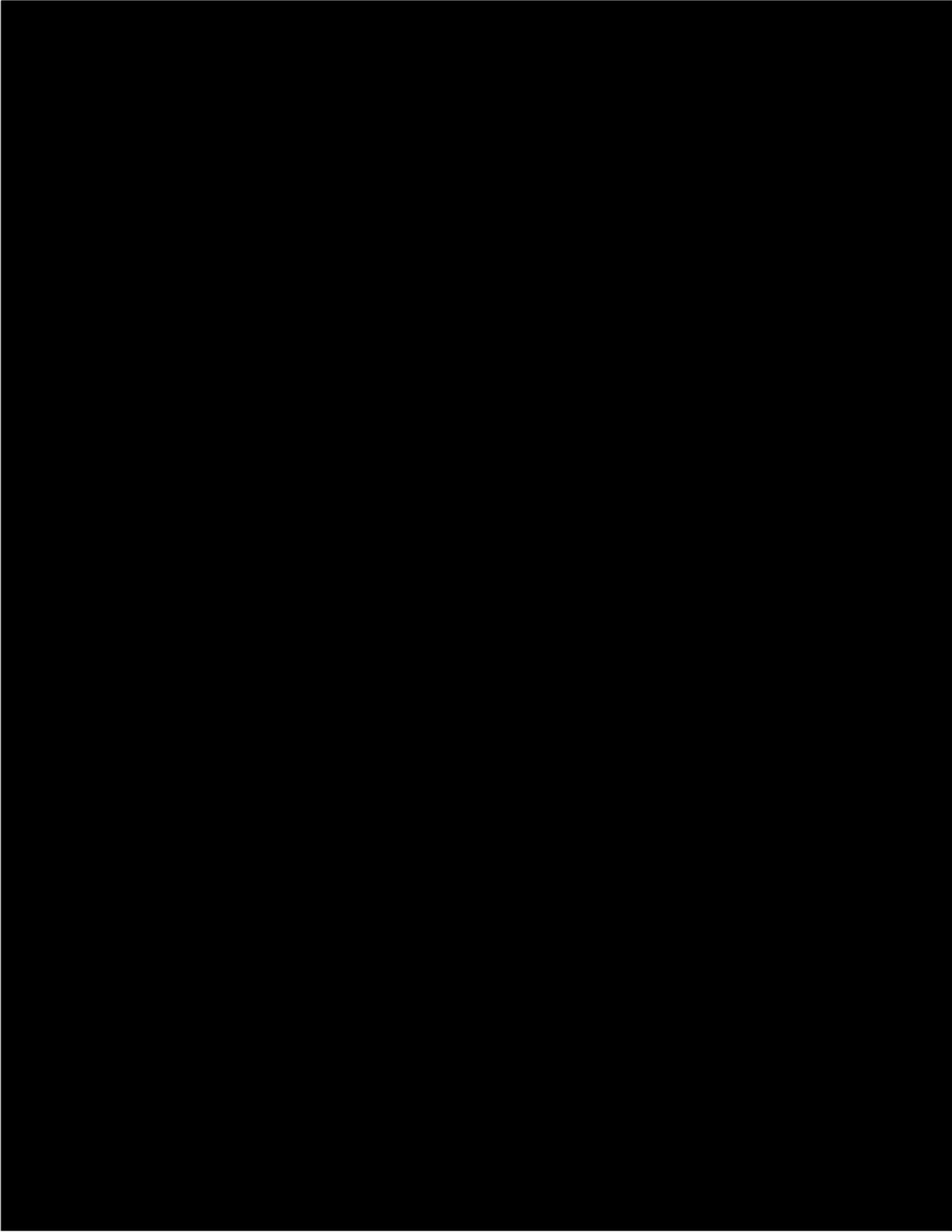


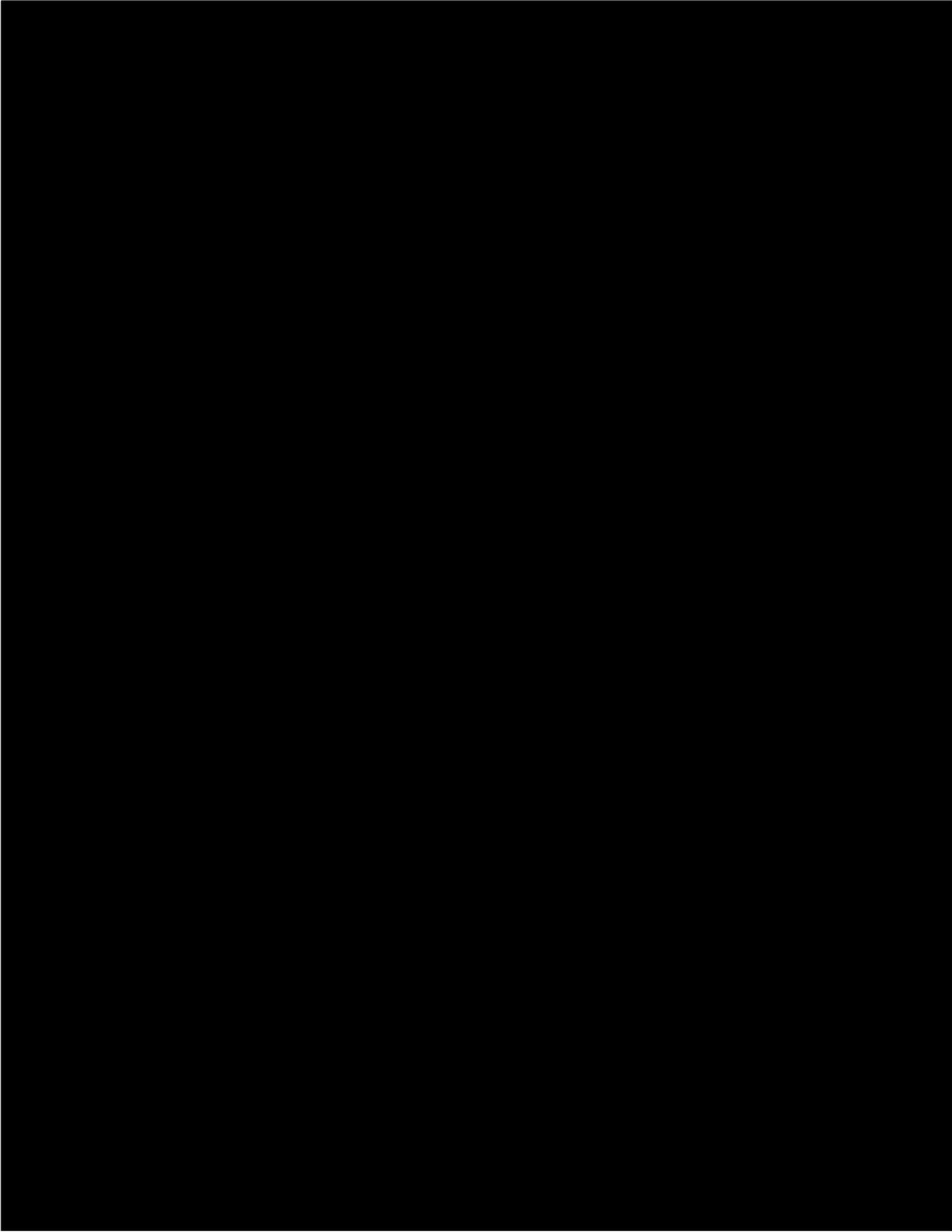


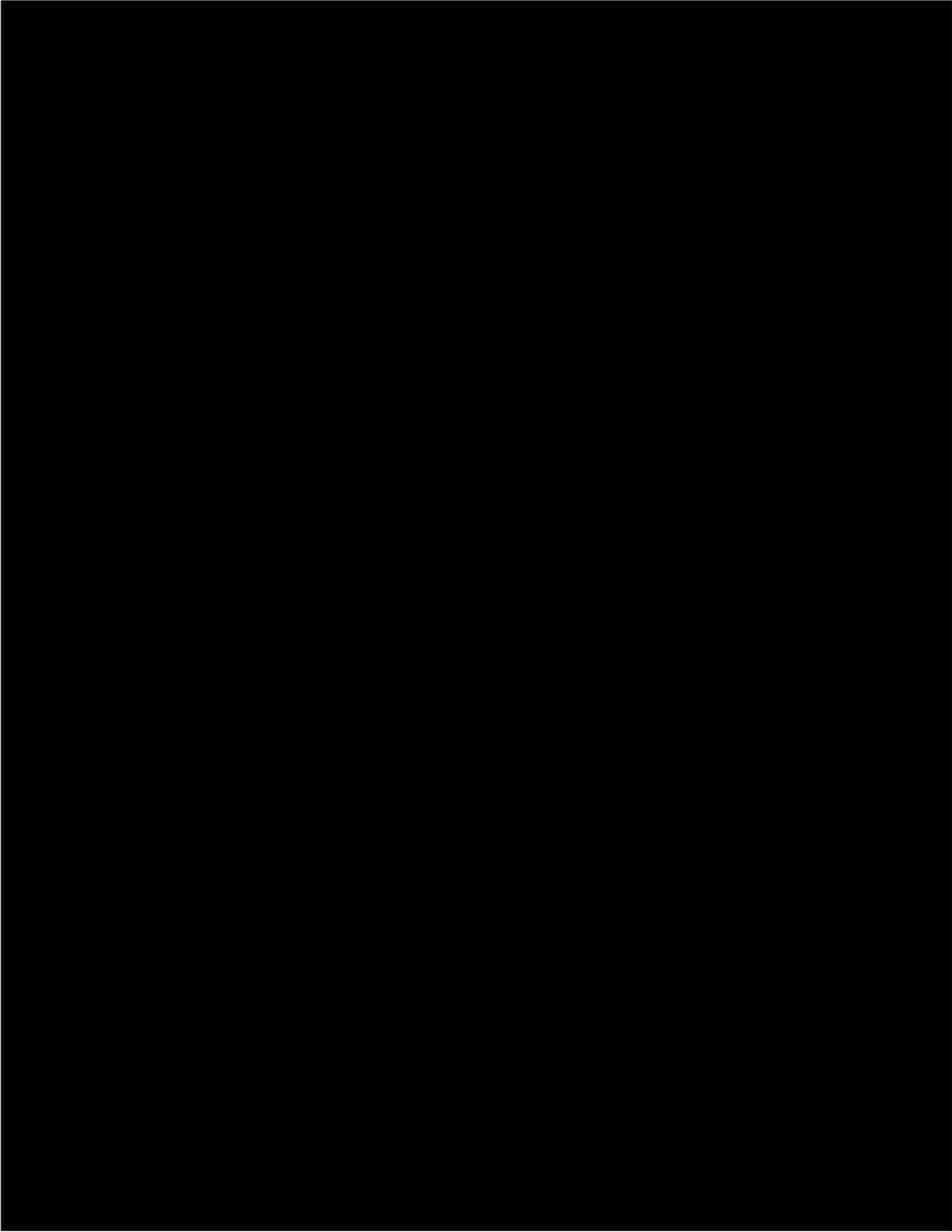


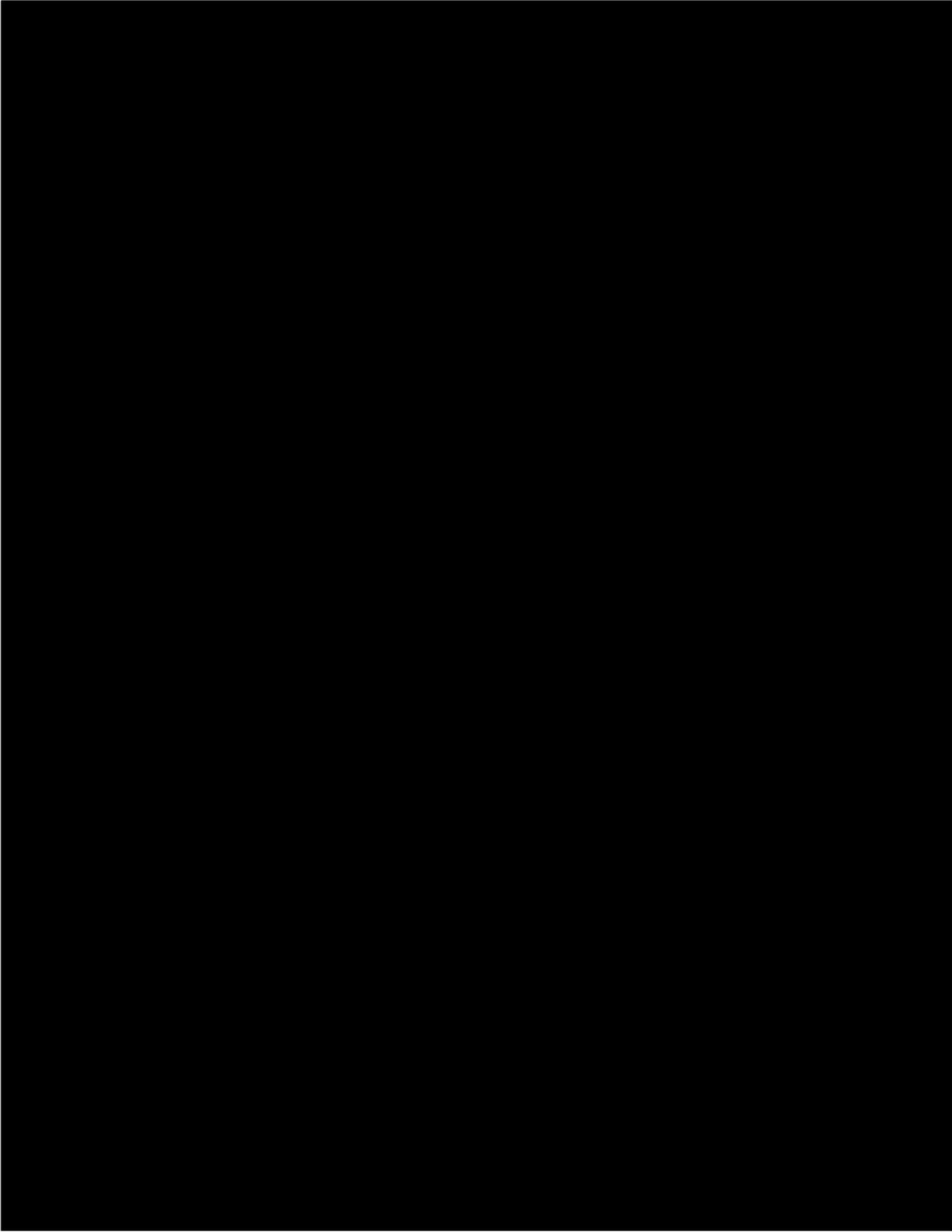


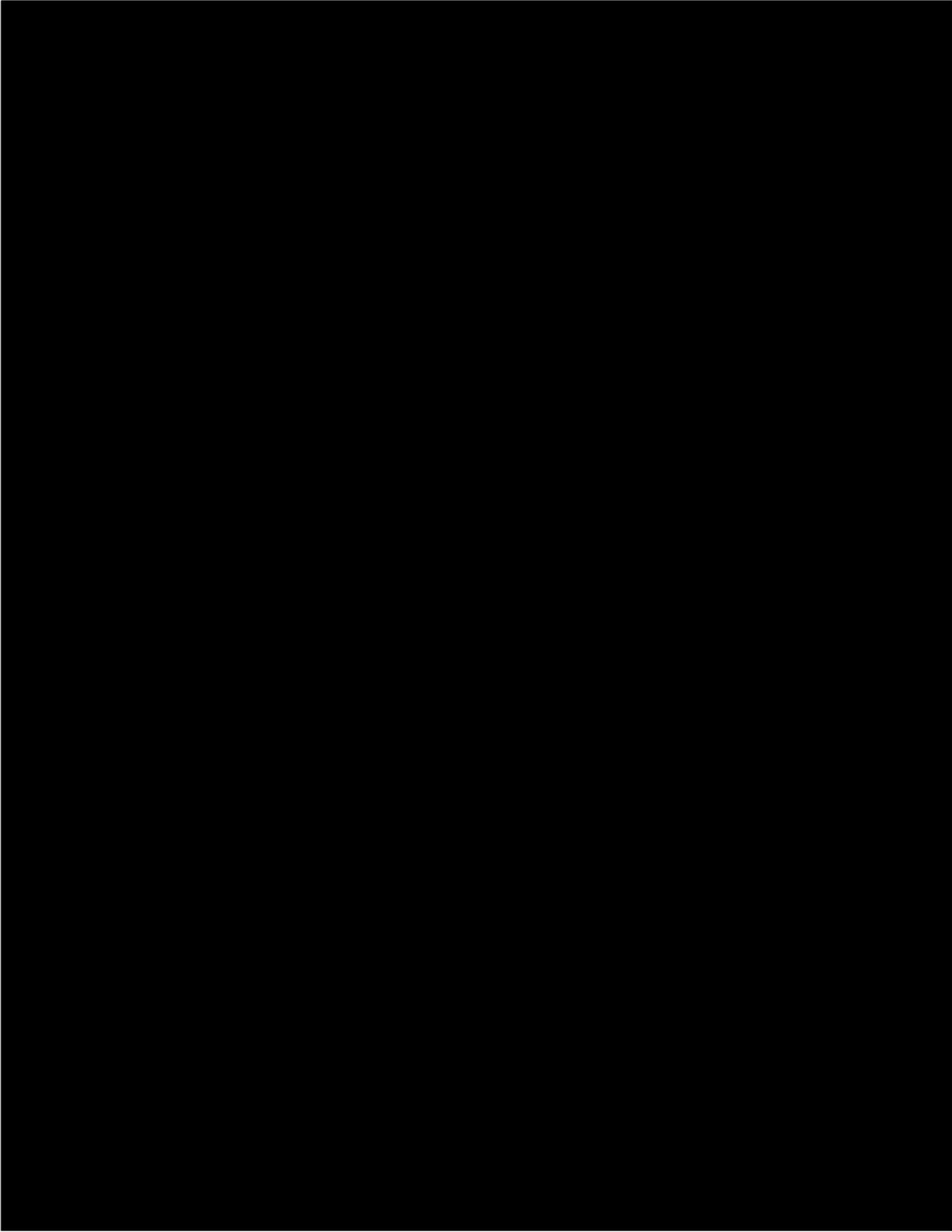


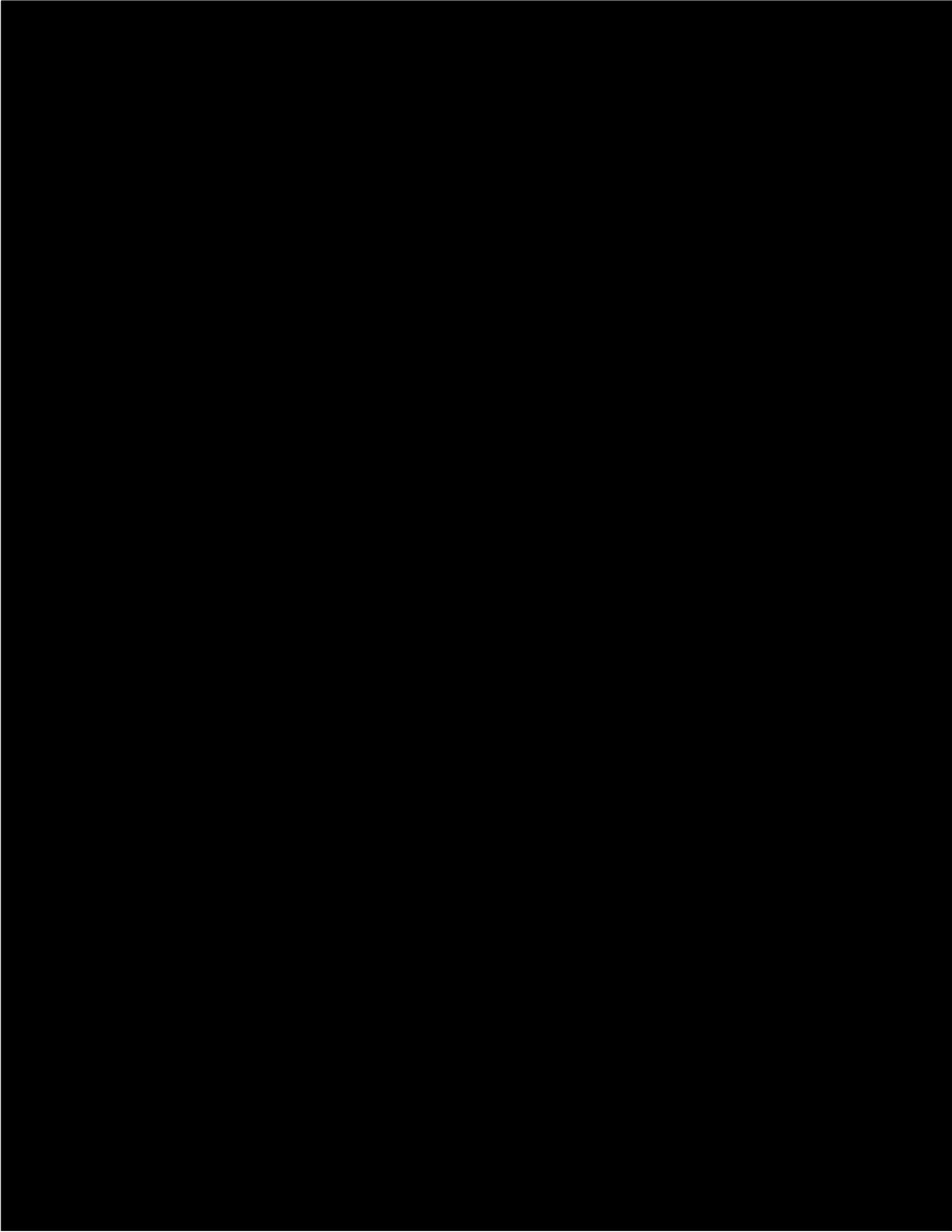












From: [Chris Heil](#)
To: [Kathryn Irby](#)
Cc: [Andrews, Amanda J.](#)
Subject: Re: Patterson v ARDOT 221005
Date: Monday, April 22, 2024 9:16:48 AM

I did. Thanks!

Sincerely,
 Chris Heil

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, April 22, 2024 9:15 AM
To: Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: RE: Patterson v ARDOT 221005

Chris, we received three emails from you. You should have gotten confirmation from the asccpleadings email. Let me know if you did not.

Thanks,
 Kathryn

From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Friday, April 19, 2024 9:13 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: Patterson v ARDOT 221005

Please let me know that you both received three (3) emails with Claimants Witness list etc and the exhibits. I want to make sure they went through. Thanks in advance.

Sincerely,
 Chris Heil
Chris Heil | Attorney

Phone: (501) 400-0572
 Email: chrisheil@taylorkinglaw.com
 Address: 820 West Third Street, Little Rock, AR,
 72201



taylorkinglaw.com



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Chris Heil | Attorney

Phone: (501) 400-0572
Email: chrisheil@taylorkinglaw.com
Address: 820 West Third Street, Little Rock, AR,
72201



taylorkinglaw.com



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From: [Chris Heil](#)
To: [Andrews, Amanda J.](#); [Kathryn Irby](#)
Cc: [Blakley, Sharon D.](#); [Davenport, Michelle L.](#); [Dodson, Angela R.](#)
Subject: Re: Request for Extension
Date: Monday, April 22, 2024 12:27:29 PM
Attachments: [image002.jpg](#)
[image003.png](#)

Sure. I will re-send Exhibits 12-15 under separate email.

Sincerely,
Chris Heil

From: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Sent: Monday, April 22, 2024 11:26 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>; Davenport, Michelle L. <Michelle.Davenport@ardot.gov>; Dodson, Angela R. <Angela.Dodson@ardot.gov>
Subject: RE: Request for Extension

Kathryn and Chris,

I greatly appreciate your understanding of my unexpected situation, and Chris's kind words. I reviewed the exhibits that I have received in 2 separate emails from Chris and believe ARDOT will be able to stipulate as to the introduction (and use) of the exhibits sent by the Claimant. That would mean we can both use the same set of exhibits, which I know is the Commission's preference. However, I did not receive email #2 with Exhibits 12 – 15. (Chris – can you re-send?)

As soon as I can review these last few exhibits, I will respond immediately as to whether ARDOT requests consideration of any additional exhibits.

You have my thanks, again, for your understanding and consideration of our request.

Sincerely,

Amanda J. Andrews, Staff Attorney

Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
Office: (501) 569-2278

Fax: (501) 569-2164

Email: amanda.andrews@ardot.gov



From: Kathryn Irby <kathryn.irby@arkansas.gov>
Sent: Monday, April 22, 2024 9:29 AM
To: Dodson, Angela R. <Angela.Dodson@ardot.gov>; Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
Subject: RE: Request for Extension

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Typically, the Commission does not extend prehearing material deadlines because of the time involved in processing them and getting the claim files to the Commission in sufficient time for the commissioners to review in light of their other (full-time) jobs. How long of an extension is ArDOT requesting?

Kathryn Irby

From: Dodson, Angela R. <Angela.Dodson@ardot.gov>
Sent: Friday, April 19, 2024 12:29 PM
To: Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Kathryn Irby <kathryn.irby@arkansas.gov>; Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
Subject: RE: Request for Extension

Thank you so much Mr. Heil!

Angela R. Dodson
 Deputy Chief Counsel
 Arkansas Department of Transportation
 P.O. Box 2261
 Little Rock, AR 72203-2261
 Phone: 501-569-2275



From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Friday, April 19, 2024 12:27 PM
To: Dodson, Angela R. <Angela.Dodson@ardot.gov>

Cc: Kathryn Irby <kathryn.irby@arkansas.gov>; Blakley, Sharon D. <Sharon.Blakley@ardot.gov>

Subject: Re: Request for Extension

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I have no objection. I hope she's ok.

Christopher R. Heil
Taylor King Law Firm
820 W. 3rd Street
Little Rock, AR 72201
(501) 400-0572
chrisheil@taylorkinglaw.com

On Apr 19, 2024, at 12:09 PM, Dodson, Angela R. <Angela.Dodson@ardot.gov> wrote:

Dear Ms. Irby and Mr. Heil,

On behalf of ARDOT, I am requesting an extension of time for submission of the Prehearing materials, which I have learned are due today, April 19, 2024, for the above referenced matter.

Staff Attorney, Amanda Andrews, has been unexpectedly out of the office for the past several days.

If you have no objection, the Respondent would appreciate a short extension of time to ensure all its Prehearing materials are complete before we submit them.

Thank you for your consideration of this request. I look forward to hearing from you.

Angela R. Dodson
Deputy Chief Counsel
Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
Phone: 501-569-2275

<image001.png>

Chris Heil | Attorney

Phone: **(501) 400-0572**
Email: chrisheil@taylorkinglaw.com
Address: **820 West Third Street, Little Rock, AR,
72201**



taylorkinglaw.com



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Chris Heil | Attorney

Phone: **(501) 400-0572**
Email: chrisheil@taylorkinglaw.com
Address: **820 West Third Street, Little Rock, AR,
72201**



taylorkinglaw.com



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From: [Kathryn Irby](#)
To: [Andrews, Amanda J.](#); [Chris Heil](#)
Cc: [Blakley, Sharon D.](#); [Dodson, Angela R.](#); [Davenport, Michelle L.](#)
Subject: RE: Patterson v. ARDOT 221005 (Hrg Continuance)
Date: Monday, April 22, 2024 7:59:00 PM
Attachments: [image001.jpg](#)

Thank you both for this information. I am removing the hearing from the May docket and will get it rescheduled.

Kathryn Irby

From: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Sent: Monday, April 22, 2024 3:41 PM
To: Chris Heil <chrisheil@taylorkinglaw.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>; Dodson, Angela R. <Angela.Dodson@ardot.gov>; Davenport, Michelle L. <Michelle.Davenport@ardot.gov>
Subject: RE: Patterson v. ARDOT 221005 (Hrg Continuance)

Ms. Irby,

ARDOT agrees with the claim hearing being continued on the basis that the claim needs to be amended to include personal injury. We have conferred on the additional discovery that will be needed and hope to take the treating provider's deposition in May. I also agree with Mr. Heil that the additional discovery will not be lengthy.

I thank you for your consideration. Please let me know if you need any other information from ARDOT.

Sincerely,

Amanda J. Andrews, Staff Attorney

Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
Office: (501) 569-2278
Fax: (501) 569-2164
Email: amanda.andrews@ardot.gov



From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Monday, April 22, 2024 2:42 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: Patterson v. ARDOT 221005 (Hrg Continuance)

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Ms. Irby: As indicated in our phone conversation, as the parties get ready for the hearing it became clear that there is additional discovery that needs to be done by ARDOT, and I agree with that. The parties are in agreement that for this reason this hearing should be continued to allow this discovery, which we hope to complete quickly. I have copied Ms. Andrews on this email so she may chime in with her agreement.

Thank you for your patience and understanding.

Sincerely,
 Chris Heil
Chris Heil | Attorney

Phone: (501) 400-0572
 Email: chrisheil@taylorkinglaw.com
 Address: 820 West Third Street, Little Rock, AR,
 72201



taylorkinglaw.com



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From: [Kathryn Irby](#)
To: ["Andrews, Amanda J."; "Chris Heil"](#)
Cc: ["Blakley, Sharon D."; "Dodson, Angela R."; "Davenport, Michelle L."](#)
Subject: HEARING RESCHEDULED: Patterson v. ArDOT, Claim No. 221005
Date: Tuesday, April 23, 2024 9:33:00 AM
Attachments: [Patterson v. ArDOT, 221005 -- hearing resched ltr \(claim\).pdf](#)
[image001.jpg](#)

Chris and Amanda, please see attached hearing rescheduling letter.

Thanks,
Kathryn

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, April 22, 2024 7:59 PM
To: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>; Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>; Dodson, Angela R. <Angela.Dodson@ardot.gov>; Davenport, Michelle L. <Michelle.Davenport@ardot.gov>
Subject: RE: Patterson v. ARDOT 221005 (Hrg Continuance)

Thank you both for this information. I am removing the hearing from the May docket and will get it rescheduled.

Kathryn Irby

From: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Sent: Monday, April 22, 2024 3:41 PM
To: Chris Heil <chrisheil@taylorkinglaw.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>; Dodson, Angela R. <Angela.Dodson@ardot.gov>; Davenport, Michelle L. <Michelle.Davenport@ardot.gov>
Subject: RE: Patterson v. ARDOT 221005 (Hrg Continuance)

Ms. Irby,

ARDOT agrees with the claim hearing being continued on the basis that the claim needs to be amended to include personal injury. We have conferred on the additional discovery that will be needed and hope to take the treating provider's deposition in May. I also agree with Mr. Heil that the additional discovery will not be lengthy.

I thank you for your consideration. Please let me know if you need any other information from ARDOT.

Sincerely,

Amanda J. Andrews, Staff Attorney

Arkansas Department of Transportation

P.O. Box 2261

Little Rock, AR 72203-2261

Office: (501) 569-2278

Fax: (501) 569-2164

Email: amanda.andrews@ardot.gov



From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Monday, April 22, 2024 2:42 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Subject: Patterson v. ARDOT 221005 (Hrg Continuance)

CAUTION: This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Irby: As indicated in our phone conversation, as the parties get ready for the hearing it became clear that there is additional discovery that needs to be done by ARDOT, and I agree with that. The parties are in agreement that for this reason this hearing should be continued to allow this discovery, which we hope to complete quickly. I have copied Ms. Andrews on this email so she may chime in with her agreement.

Thank you for your patience and understanding.

Sincerely,
 Chris Heil

Chris Heil | Attorney

Phone: (501) 400-0572
 Email: chrisheil@taylorkinglaw.com
 Address: 820 West Third Street, Little Rock, AR,
 72201



taylorkinglaw.com



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ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

April 23, 2024

Mr. Chris Heil
Taylor King Law
820 West Third Street
Little Rock, Arkansas 72201

(via email)

Ms. Amanda Andrews
Arkansas Department of Transportation
Post Office Box 2261
Little Rock, Arkansas 72203

(via email)

RE: ***Buddy Patterson v. Arkansas Department of Transportation***
Claim No. 221005

Dear Mr. Heil and Ms. Andrews,

The Commission has scheduled this claim for a half-day hearing on **Friday, December 13, 2024**, beginning at 9:00 a.m. The Zoom invitation is enclosed.

The following prehearing materials are due on or before **November 15, 2024**:

- Each party's list of witnesses who will testify live at the hearing or via deposition;
- Each party's list of exhibits that may be introduced at the hearing, along with a copy of the proposed exhibits;
- Deposition transcripts if any deposition testimony will be submitted in lieu of live testimony;
- Prehearing briefs if either party would like to submit for Commission review; and
- Subpoena requests (absent a showing of good cause, the Commission will not issue subpoenas for requests received after the prehearing material deadline).

Please note that a party's failure to submit a witness list or exhibit list may prevent that party from being able to introduce witness testimony or exhibits at hearing.

To the extent that either party intends to file a motion of any kind, absent a showing of good cause, the motion must be submitted in sufficient time to allow the motion to be fully briefed pursuant to the Arkansas Rules of Civil Procedure by **November 15, 2024**.

All filings should be submitted via mail to the Commission or via email to ascpleadings@arkansas.gov. Please note that a copy of any filing must be served upon the opposing party in accordance with the Arkansas Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Hearings

Time: Dec 13, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/81297912340?pwd=psLAIMptImyalCQjbZqvb7NkBV1QdD.1>

Meeting ID: 812 9791 2340

Passcode: CC1YNt

Dial by your location

- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)

Meeting ID: 812 9791 2340

Passcode: 844000

From: [Chris Heil](#)
To: [ASCC Pleadings](#)
Cc: [Andrews, Amanda J.](#)
Subject: Patterson v. ARDOT 221005
Date: Monday, April 29, 2024 1:27:54 PM
Attachments: [Amended Claim.pdf](#)

Please find attached Claimant's Amended Claim.

Sincerely,
Chris Heil

Chris Heil | Attorney

Phone: **(501) 400-0572**
Email: **chrisheil@taylorkinglaw.com**
Address: **820 West Third Street, Little Rock, AR,
72201**



[taylorkinglaw.com](#)



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BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

BUDDY PATTERSON

CLAIMANT

V.

CLAIM NO. 221005

ARKANSAS DEPARTMENT OF TRANSPORTATION

RESPONDENT

AMENDED CLAIM

COMES NOW the Claimant by and through his attorneys, Taylor King Law, and for their Claim against the Respondent, alleges and states as follows:

1. This claim is the result of a head on collision of an ARDOT vehicle with the Claimant's vehicle on February 4, 2022 on Highway 9 near Melbourne, Arkansas. As a result of the negligence of ARDOT and its agents and employees the Claimant suffered property damage, storage and towing charges, and personal injury.

2. On February 4, 2022 Claimant was driving his pickup truck on Highway 9 headed toward town. At the same time an ARDOT truck with a snow plow attachment was headed toward the Claimant from the opposite direction. Due to the negligence of the ARDOT driver and ARDOT supervisors in failing to ensure that the snow plow would not "trip", thus causing the plow vehicle to lose control, it did "trip" and the ARDOT vehicle suddenly crossed the centerline striking the Claimant causing property damage and personal injury to him.

3. Claimant did not have vehicle insurance that would cover his property damages nor did he have medpay coverage.

4. As a direct and proximate result of the Respondent's negligence, independently and vicariously, a collision resulted, and Plaintiffs' suffered physical injuries and seek damages for:

- A. Medical expenses, past and future; and
- B. Pain and suffering in the past and in the future;
- C. Damages to his property (vehicle) and related towing/storage charges.

WHEREFORE, the Claimant seeks and award against the Respondent in an amount equal to or exceeding \$40,000 for all damages sustained, and for all other proper relief to which he may be entitled.

Respectfully submitted,
Taylor King & Associates, P.A.

By:

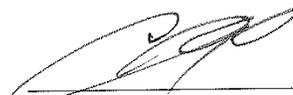


Christopher Heil, Bar # 92128
820 W 3rd St
Little Rock, AR 72201
(501) 400-0572
chrisheil@taylorkinglaw.com

CERTIFICATE OF SERVICE

I, Christopher R. Heil, hereby certify that I have served a copy of the forgoing upon the Following by U.S. Mail and email this 29th day of April 2024:

Ms. Amanda Andrews
ArDOT Legal Division
P.O. Box 2261
Little Rock, AR 72203-2261
Amanda.Andrews@ardot.gov



Christopher Heil

From: [Andrews, Amanda J.](#)
To: [Chris Heil](#); [Kathryn Irby](#)
Cc: [Blakley, Sharon D.](#); [Dodson, Angela R.](#)
Subject: RE: Patterson v. ARDOT 221005 (amended claim)
Date: Monday, April 29, 2024 3:09:47 PM
Attachments: [image001.jpg](#)

ARDOT confirms receipt.

Amanda J. Andrews, Staff Attorney

Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
Office: (501) 569-2278
Fax: (501) 569-2164
Email: amanda.andrews@ardot.gov



From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Monday, April 29, 2024 1:14 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Cc: Blakley, Sharon D. <Sharon.Blakley@ardot.gov>; Dodson, Angela R. <Angela.Dodson@ardot.gov>
Subject: Patterson v. ARDOT 221005 (amended claim)

CAUTION: This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find attached Claimant's Amended Claim (to ensure a claim for personal injury is added and preserved for the next hearing).

Sincerely,
Chris Heil
Chris Heil | Attorney

Phone: **(501) 400-0572**
Email: chrisheil@taylorkinglaw.com
Address: **820 West Third Street, Little Rock, AR, 72201**



taylorkinglaw.com



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From: [Andrews, Amanda J.](#)
To: [Chris Heil](#); [ASCC Pleadings](#)
Subject: RE: Patterson v. ARDOT 221005
Date: Monday, April 29, 2024 3:11:14 PM
Attachments: [image001.jpg](#)

Chris,

Is this the same as the amended claim sent by email at 1:14pm?

Amanda J. Andrews, Staff Attorney

Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
Office: (501) 569-2278
Fax: (501) 569-2164
Email: amanda.andrews@ardot.gov



From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Monday, April 29, 2024 1:28 PM
To: [ASCC Pleadings <ASCCPleadings@arkansas.gov>](mailto:ASCCPleadings@arkansas.gov)
Cc: [Andrews, Amanda J. <Amanda.Andrews@ardot.gov>](mailto:Amanda.Andrews@ardot.gov)
Subject: Patterson v. ARDOT 221005

CAUTION: This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find attached Claimant's Amended Claim.

Sincerely,
Chris Heil
Chris Heil | Attorney

Phone: (501) 400-0572
Email: chrisheil@taylorkinglaw.com
Address: 820 West Third Street, Little Rock, AR,
72201



taylorkinglaw.com



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liability for damage caused by any virus transmitted by emails.

From: [Andrews, Amanda J.](#)
To: [ASCC Pleadings; Chris Heil](#)
Cc: [Kathryn Irby; Blakley, Sharon D.; Dodson, Angela R.](#)
Subject: Buddy Patterson v. ARDOT, Claim No. 221005 - Respondent's Second Set of Interrogatories and Requests for Production of Documents
Date: Tuesday, May 14, 2024 4:27:23 PM
Attachments: [image001.jpg](#)
[Patterson.221005.2ND INT-RFPD to Claimant 5-14-2024.pdf](#)

Good afternoon,

Attached please find the Respondent's Second Set of Interrogatories and Requests for Production of Documents to be filed in the above claim. I request that you please confirm receipt of the pleading at your earliest convenience.

Thank you, in advance, for your assistance with this filing. Please let me know if you have any issues opening the document.

Sincerely,

Amanda J. Andrews, Staff Attorney

Arkansas Department of Transportation

P.O. Box 2261

Little Rock, AR 72203-2261

Office: (501) 569-2278

Fax: (501) 569-2164

Email: amanda.andrews@ardot.gov



BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

BUDDY PATTERSON

CLAIMANT

v.

CLAIM NO. 221005

ARKANSAS DEPARTMENT OF TRANSPORTATION

RESPONDENT

**RESPONDENT'S SECOND SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED TO CLAIMANT**

COMES NOW the Respondent, Arkansas Department of Transportation, by and through its Staff Attorney, Amanda J. Andrews, and propounds the following Second Set of Interrogatories and Requests for Production of Documents to Claimant, Buddy Patterson, pursuant to the Rules of the Arkansas State Claims Commission and the Arkansas Rules of Civil Procedure:

INTERROGATORY NO. 1: Please state your full name, address, social security number, and date of birth.

INTERROGATORY NO. 2: Please list each and every name by which you have been known. Also, please list any other social security numbers used by you.

INTERROGATORY NO. 3: Please give a complete and detailed account of the incident that is the subject of your claim.

INTERROGATORY NO. 4: Please state the name, address and telephone number of every individual who has knowledge of any allegation, whether it be liability or damage, as set out in your claim. For each such individual listed, please give a short and concise statement as to the nature and substance of that individual's information.

INTERROGATORY NO. 5: Please list the name, address and telephone number of every individual you intend to call at a hearing in this matter. For each such individual listed,

please state the nature and substance of that person's information, knowledge and/or belief.

INTERROGATORY NO. 6: Please list and describe every chart, graph, document, exhibit and/or any type of physical or real evidence/exhibit to be displayed and/or introduced at a hearing in this matter. For each such item listed, please state the name and address of the custodian of that item.

INTERROGATORY NO. 7: For any expert witness you intend to call at a hearing in this matter, please state the expert's name, telephone number, address, and a short and concise statement as to the nature and substance of that individual's information and expected testimony.

INTERROGATORY NO. 8: Please state whether any statement has been taken of any party to this litigation. If your Answer is in the affirmative, please state the name of the person who made the statement, the name of the person(s) to whom the statement was made, and the substance of each such statement.

REQUEST FOR PRODUCTION NO. 1: Please produce a copy of any statement identified in your Answer to Interrogatory No. 8.

INTERROGATORY NO. 9: Please identify all correspondence or conversations, whether verbal or written, between Claimant and/or Claimant's representative(s) and Respondent and/or Respondent's representative(s), including, but not limited to, any insurance agent or representative for either party, and state the substance of such correspondence or conversation.

INTERROGATORY NO. 10: Please list every policy of insurance that you had in effect at the time of the incident that is the subject of your claim, including, but not limited to, health, accident, disability, and life insurance. Please identify each insurer, address and telephone number of the insurer, type of policy, amount of coverage provided under the policy, and any applicable deductible.

INTERROGATORY NO. 11: Please state whether any claim for insurance benefits or compensation has been made regarding the incident that is the subject of your claim and provide the following:

- (a) Name of insurer;
- (b) Address of insurer;
- (c) Policy number;
- (d) Type of coverage or compensation requested; and
- (e) Amount of compensation received.

INTERROGATORY NO. 12: Please state whether you have ever made claim for any benefits under any insurance policy, or against any person, firm or corporation, for personal injuries, physical condition and/or property damage which would not be related to this lawsuit.

If your answer is in the affirmative, please state:

- (a) The injury, condition or damage for which such claim was made;
- (b) The name and address of the person, firm or corporation to whom or against whom it was made;
- (c) The date of such claim;
- (d) The nature and amount of any payment received therefor; and
- (e) Whether a lawsuit was filed as a result of such claim and, if so, please list the style of such lawsuit.

INTERROGATORY NO. 13: Please list with particularity a description and amount of all damages you claim are related to the incident that is the subject of your claim.

INTERROGATORY NO. 14: Please state where you were employed at the time of the incident that is the subject of your claim and provide your job title, a description of your

duties, your annual salary, and whether you missed any work as a result of the incident that is the subject of your claim.

REQUEST FOR PRODUCTION NO. 2: If you are claiming lost wages as a result of the incident that is the subject of your claim, please provide your income tax returns for the year of and three (3) years prior to the incident that is the subject of your claim.

INTERROGATORY NO. 15: Please identify every medical provider from whom you sought treatment as a result of the incident that is the subject of your claim, date(s) of service, diagnosis, treatment or plan of care, and total amount of bills and/or expenses for each such provider.

INTERROGATORY NO. 16: If you were prescribed medication as a result of the incident that is the subject of your claim, please identify by name and address every pharmacy from which you purchased such medication, the name and dose of each medication, and the total amount paid by you for each medication.

REQUEST FOR PRODUCTION NO. 3: Please produce a copy of every medical expense and/or bill you are claiming to have incurred as a result of the incident that is the subject of your claim and receipt or proof of payment for such expense and/or bill.

INTERROGATORY NO. 17: Have you ever been involved in any other accident, including, but not limited to, automobile accident, work-related accident, slip and fall, or exercise or sport-related accident, prior to or after the incident that is the subject of your claim?

If your answer is in the affirmative, for each accident, please state:

- (a) Date of the accident;
- (b) Location of the accident;
- (c) Circumstances that gave rise to the accident;

- (d) Any injury(ies) you sustained in or because of the accident;
- (e) Whether you received any compensation for the accident and, if so, the amount of compensation received and individual or entity from whom you received compensation; and
- (f) Whether suit was filed as a result of the accident and, if so, the date suit was filed, location, identity of the parties, case number, and outcome of the case.

INTERROGATORY NO. 18: State whether you have ever made a claim for workers' compensation benefits. If your answer is in the affirmative, please state:

- (a) Location and date of the accident that resulted in the claim;
- (b) Amount of any benefits paid to you as a result of the claim;
- (c) Disability rating, if any, that you received as a result of the claim;
- (d) Name and address of each doctor who treated or examined you as a result of the claim; and
- (e) Name and address of the insurance company or employer against whom such claim was made.

INTERROGATORY NO. 19: Please state the name, present addresses and telephone numbers of each and every doctor, hospital, chiropractor, dentist, physical therapist, pharmacist, and any other person of the healing arts who has examined or treated you for the injuries you allege are related to or the result of the incident that is the subject of your claim. For each provider, please state:

- (a) Date(s) of treatment, examination or service by each provider; and
- (b) Total amount you have paid and have been billed by each provider.

REQUEST FOR PRODUCTION NO. 4: Please produce for each provider identified in your response to Interrogatory No. 19 itemized statements, invoices or bills, all reports, patient charts, visit or examination notes or summaries, and any and all documents furnished to you or your attorney in connection with any examination or treatment from any of the aforementioned providers.

INTERROGATORY NO. 20: Have you ever had any serious illness, sickness, disease, or surgical operation, either prior to or after the incident that is the subject of your claim? If so, please state:

- (a) Date and place of such illness, disease or operation;
- (b) A detailed description of your symptoms, diagnosis, illness, disease or operation;
- (c) A detailed description of your treatment;
- (d) Name and address of any hospital at which you received treatment and medical provider who examined you or rendered treatment;
- (e) Approximate date of your recovery; and
- (f) If you did not recover fully, a detailed description of your condition after you achieved maximum medical improvement.

INTERROGATORY NO. 21: Please list every doctor, hospital, chiropractor, dentist, physical therapist, pharmacy, and any other person of the healing arts who has treated you in the previous ten (10) years and provide the following:

- (a) The reason for such treatment;
- (b) The date of such treatment;
- (c) The location of such treatment;
- (d) Diagnosis or outcome of such treatment; and

- (e) Whether x-rays or any imaging was taken.

REQUEST FOR PRODUCTION NO. 5: Please sign and return the enclosed Authorization to Disclose Health Information. If you fail or refuse to sign the authorization, please state each and every reason for your failure or refusal.

REQUEST FOR PRODUCTION NO. 6: Please sign and return the enclosed Business Records Authorization. If you fail or refuse to sign the authorization, please state each and every reason for your failure or refusal.

INTERROGATORY NO. 22: Please state whether you have ever applied for or received Social Security, SSI or disability benefits. If your answer is in the affirmative, please provide the following information:

- (a) Date(s) on which you applied for such benefits;
- (b) The injury, condition or disease for which you made the claim;
- (c) Outcome of each such application for benefits;
- (d) If your application for benefits was denied, the grounds for denial;
- (e) If your application for benefits was approved, the date on which benefits began and ended and the amount of benefits awarded to or received by you.

INTERROGATORY NO. 23: Please state the total amount of monetary damages you are claiming.

INTERROGATORY NO. 24: Please consider the foregoing Interrogatories and Requests for Production of Documents as continuing and furnish by way of supplemental response such additional information as may hereinafter be acquired which augments or modifies the answers to the foregoing Interrogatories and Requests for Production of Documents, such supplemental responses to be served within ten (10) days after receipt of such information or as

soon as received if less than ten (10) days before an assigned hearing date. Will you do so?

Respectfully submitted,

ARKANSAS DEPARTMENT OF TRANSPORTATION

Amanda J. Andrews

By: _____

Amanda J. Andrews, Staff Attorney (Ark. Bar No. 2005205)

Post Office Box 2261

Little Rock, AR 72203-2261

Amanda.Andrews@ardot.gov

(501) 569-2278

CERTIFICATE OF SERVICE

I, Amanda J. Andrews, certify that I have served a true and correct copy of the foregoing via electronic mail to the following this 14th day of May, 2024:

Christopher Heil
chrisheil@taylorkinglaw.com
Attorney for Claimant

Amanda J. Andrews

Amanda J. Andrews

AUTHORIZATION TO DISCLOSE HEALTH INFORMATION

PATIENT’S NAME:
 PATIENT’S SSN:
 PATIENT’S DOB:

COVERED ENTITY: _____
 (To be completed by Requester)

1. I hereby authorize **ANY HEALTH INSURER, THIRD-PARTY ADMINISTRATOR, CLAIMS ADMINISTRATOR, or HEALTH CARE PROVIDER (“COVERED ENTITY”)** to make the disclosure of the **PATIENT’S** health information as described below. This authorization is intended to comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), HIPAA regulations, and other state and federal laws and regulations that may create a right of privacy in the health information approved to be disclosed by this authorization.

2. The health information to be disclosed is as follows: Complete medical record, including but not limited to: hospital records, medical records, doctor’s and/or nurse’s notes, information relating to alcohol or drug use or behavioral or mental health, including psychotherapy notes and records, medication records, prescriptions, imaging films, x-rays or other radiologic films, laboratory tests and results, diagnostic records and reports, including but not limited to MRI, CT scan, Myelogram, etc., statements of any and all charges, and any other records pertaining to hospitalization, medical treatment, medical history, prognosis, etiology, and expense not enumerated above.

3. The time period for which the health information identified above is authorized to be disclosed is January 1, 2017, to Present.

4. This information may be disclosed to and used by the following individual or organization: Arkansas Department of Transportation, Legal Division, Post Office Box 2261, Little Rock, Arkansas 72203-2261, and its attorneys, employees, and representative(s).

5. The purpose for which disclosure of this health information is authorized is use in the matter pending before the Arkansas State Claims Commission, *Buddy Patterson v. Arkansas Department of Transportation*, Claim No. 221005, and any appeal thereof.

6. I understand that the information in my health record may include information relating to sexually transmitted disease, acquired immunodeficiency syndrome (AIDS), or human immunodeficiency virus (HIV). It may also include information about behavioral or mental health services, and treatment for alcohol and drug abuse.

7. I understand that the information used or disclosed may be subject to re-disclosure by the person or class of persons receiving it and would then no longer be protected by federal privacy regulations.

8. I understand that I have the right to revoke this authorization at any time. I understand if I revoke this authorization I must do so in writing and present my written revocation to the **COVERED ENTITY**. I understand the revocation will not apply to information that has already been released in response to this authorization nor to my insurance company when the law provides my insurer with the right to contest a claim under my policy. Unless otherwise revoked, this authorization will expire upon the conclusion of the matter pending before the Arkansas State Claims Commission, *Buddy Patterson v. Arkansas Department of Transportation*, Claim No. 221005, and any appeal thereof.

9. I understand that I may request a copy of this authorization form that I have signed by sending a written request to the **COVERED ENTITY**. I further understand that I may inspect or copy the information to be used or disclosed, as provided in 45 CFR §164.524. I understand that any disclosure of information carries with it the potential for an unauthorized re-disclosure and the information may not be protected by federal and state confidentiality rules or 45 CFR §164.508. I understand that if I have questions about disclosure of my health information, I can contact my attorneys or the **COVERED ENTITY**.

 Signature of Patient or Legal Representative

 If Signed by Legal Representative, Relationship to Patient

Date: _____

BUSINESS RECORDS AUTHORIZATION

EMPLOYEE'S NAME:

EMPLOYEE'S SSN:

EMPLOYEE'S DOB:

EMPLOYER: _____
(To be completed by Requester)

I hereby expressly authorize the release of any personnel files and/or any other documents relating to my employment with your company. This would include documentation such as time off for sick leave, job performance, evaluation sheets, W-2s, pay scales, and all other information regarding my job performance with your establishment, including reason for termination of the employment relationship.

This Authorization was signed voluntarily by me with the express understanding that the Arkansas Department of Transportation or any of their representatives, should have complete access to all business, employment and/or financial records.

Signature

Date

If Signed by Legal Representative,
Relationship to Employee

From: [Chris Heil](#)
To: [Andrews, Amanda J.](#); [ASCC Pleadings](#)
Cc: [Kathryn Irby](#); [Blakley, Sharon D.](#); [Dodson, Angela R.](#)
Subject: Re: Buddy Patterson v. ARDOT, Claim No. 221005 - Respondent's Answer to Amended Claim
Date: Tuesday, May 14, 2024 3:14:59 PM
Attachments: [image001.jpg](#)

I can confirm receipt.

Sincerely,
Chris Heil

From: Andrews, Amanda J. <Amanda.Andrews@ardot.gov>
Sent: Tuesday, May 14, 2024 2:39 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Blakley, Sharon D. <Sharon.Blakley@ardot.gov>;
 Dodson, Angela R. <Angela.Dodson@ardot.gov>
Subject: Buddy Patterson v. ARDOT, Claim No. 221005 - Respondent's Answer to Amended Claim

Good afternoon,

Attached please find the Respondent's Answer to the Amended Claim to be filed in the above claim. I request that you please confirm receipt of the pleading at your earliest convenience.

Thank you, in advance, for your assistance with this filing. Please let me know if you have any issues opening the document.

Sincerely,

Amanda J. Andrews, Staff Attorney

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To: [ASCC Pleadings](#)
Cc: [Denker, Alexander C.](#)
Subject: Patterson v. ARDOT 221005
Date: Friday, November 15, 2024 9:21:46 AM
Attachments: [Updated Exhibit 15.pdf](#)
[Updated Exhibit 16.pdf](#)

All: Please accept the attached updated Exhibits 16 (bills) and 17 (records) and substitute them for the same exhibits provided with the Exhibit list and Pre-Hearing Brief filed on April 19, 2024 before the previously scheduled hearing. Please advise if further action or information is needed.

Sincerely,
Chris Heil
Chris Heil | Attorney

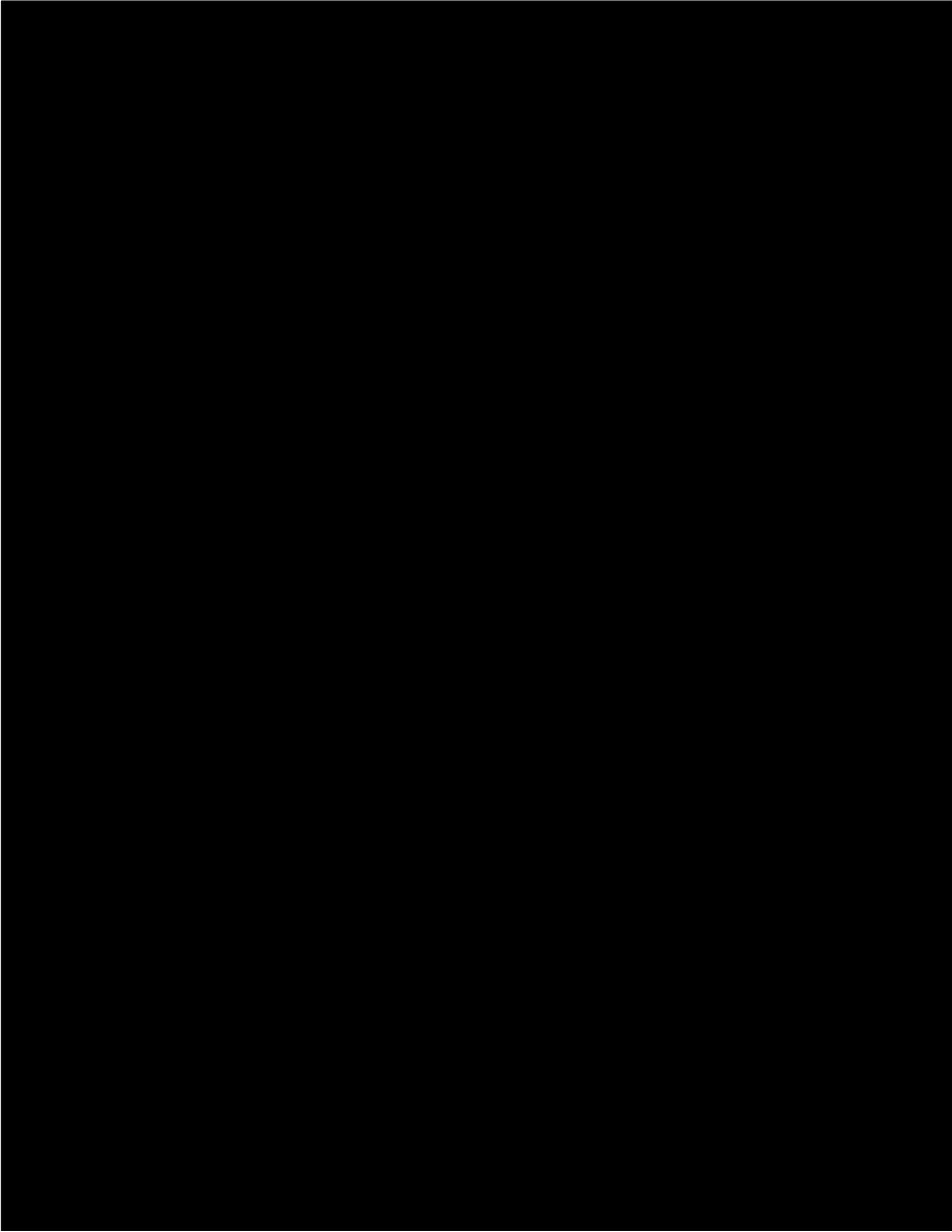
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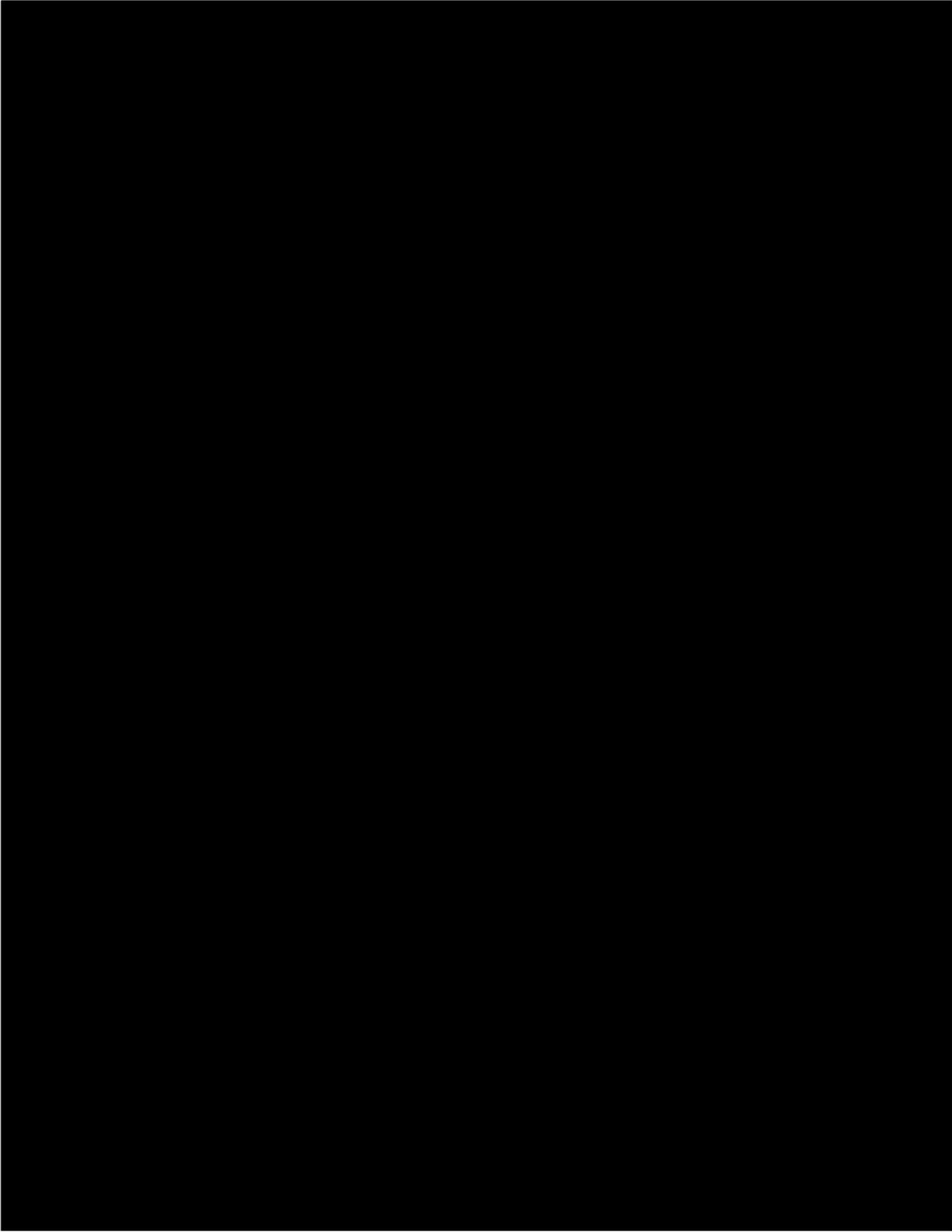


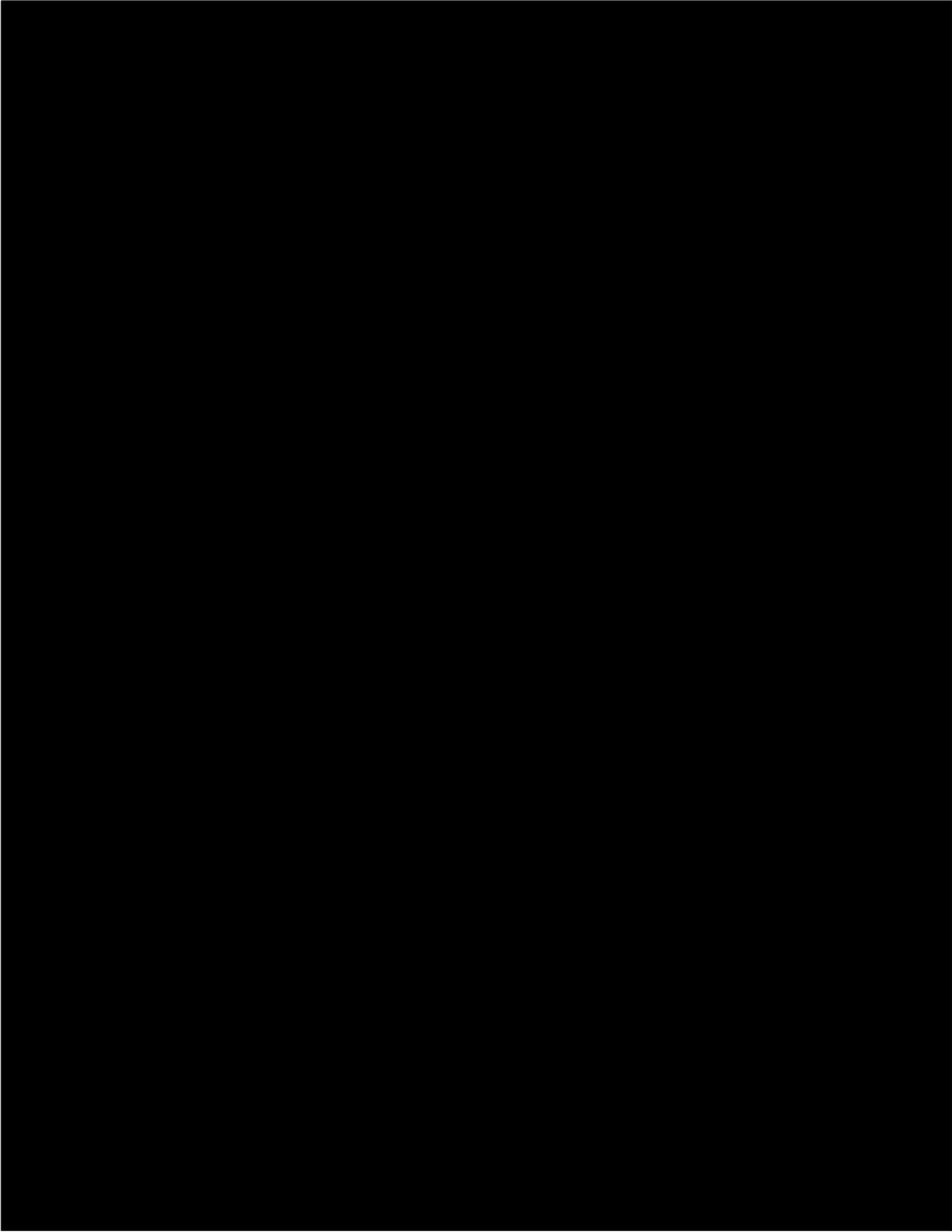
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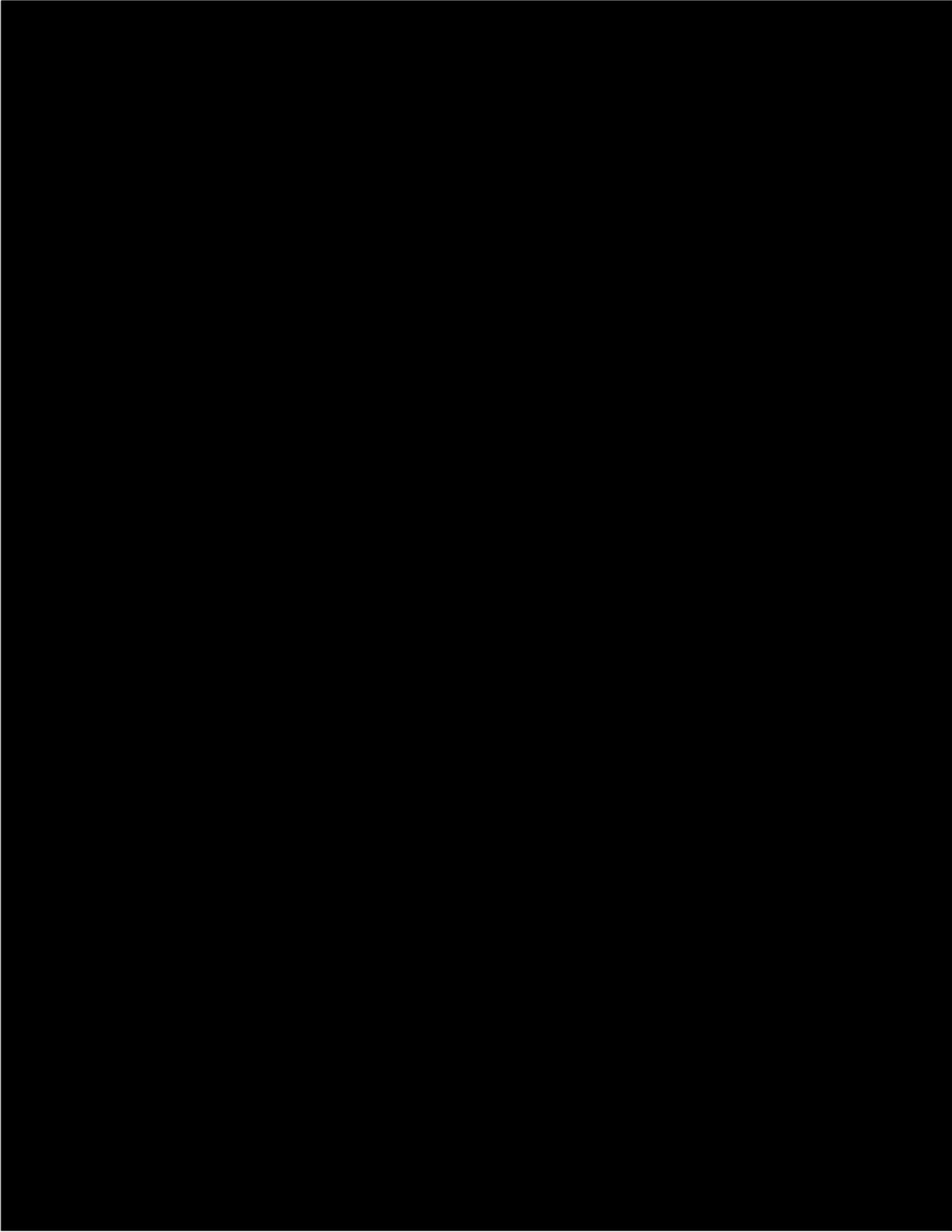


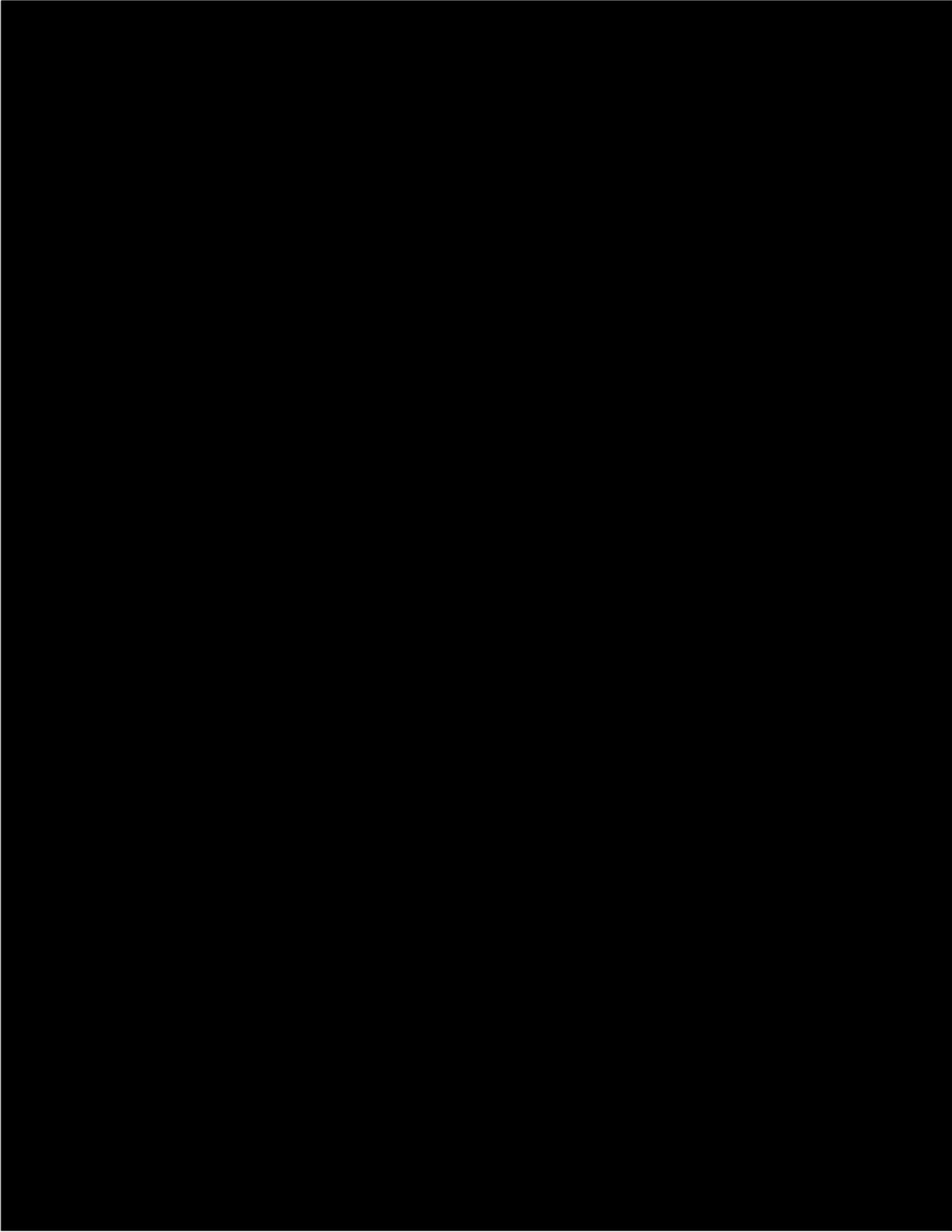
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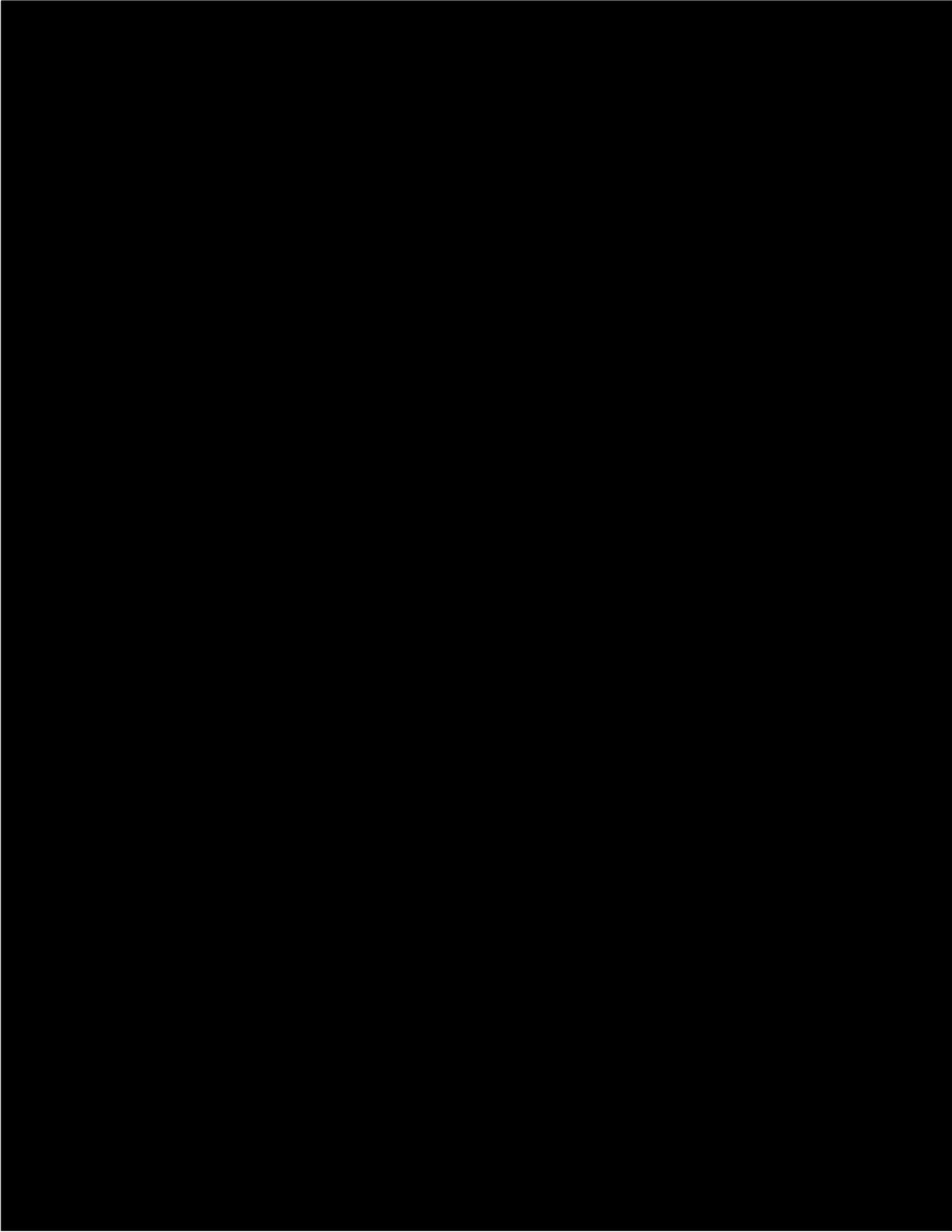


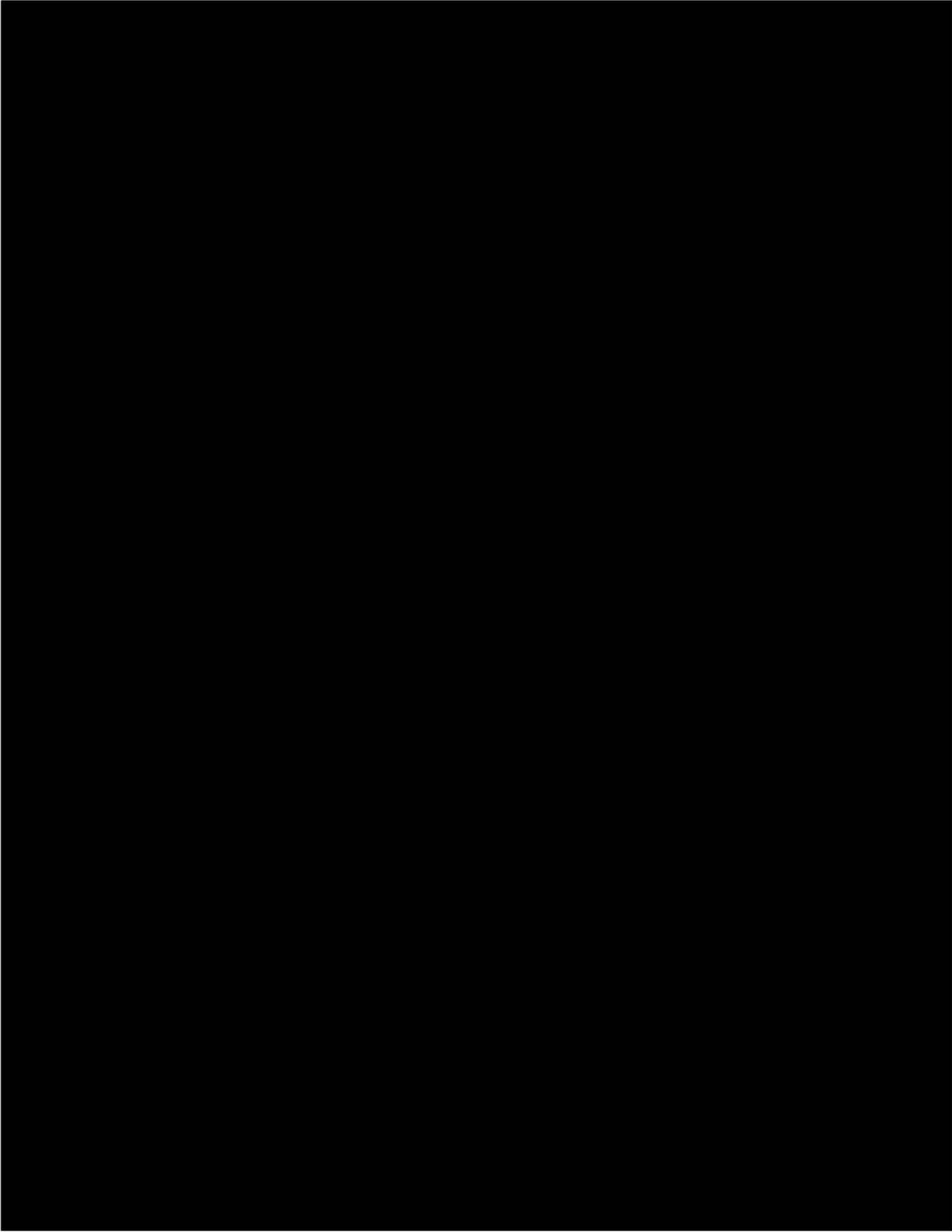


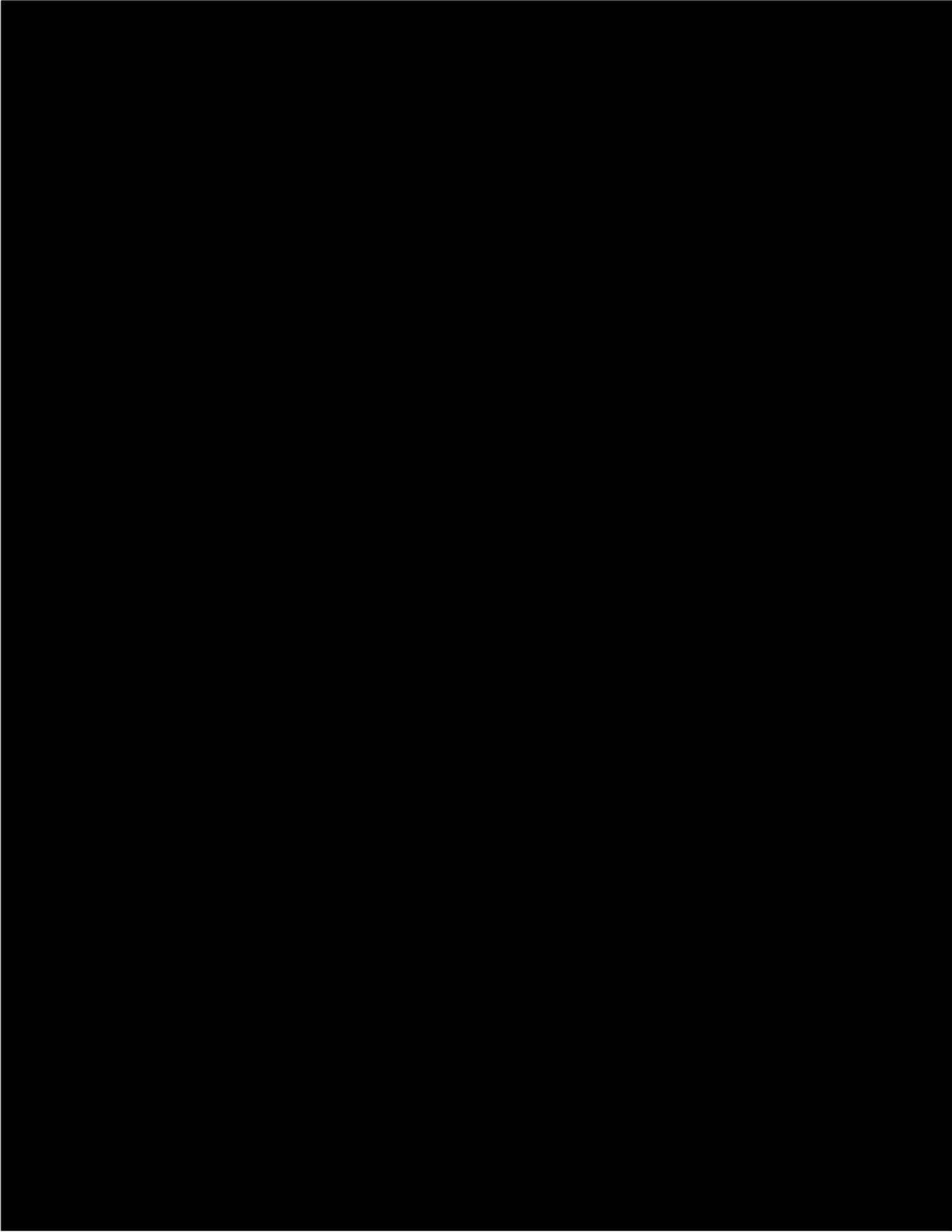


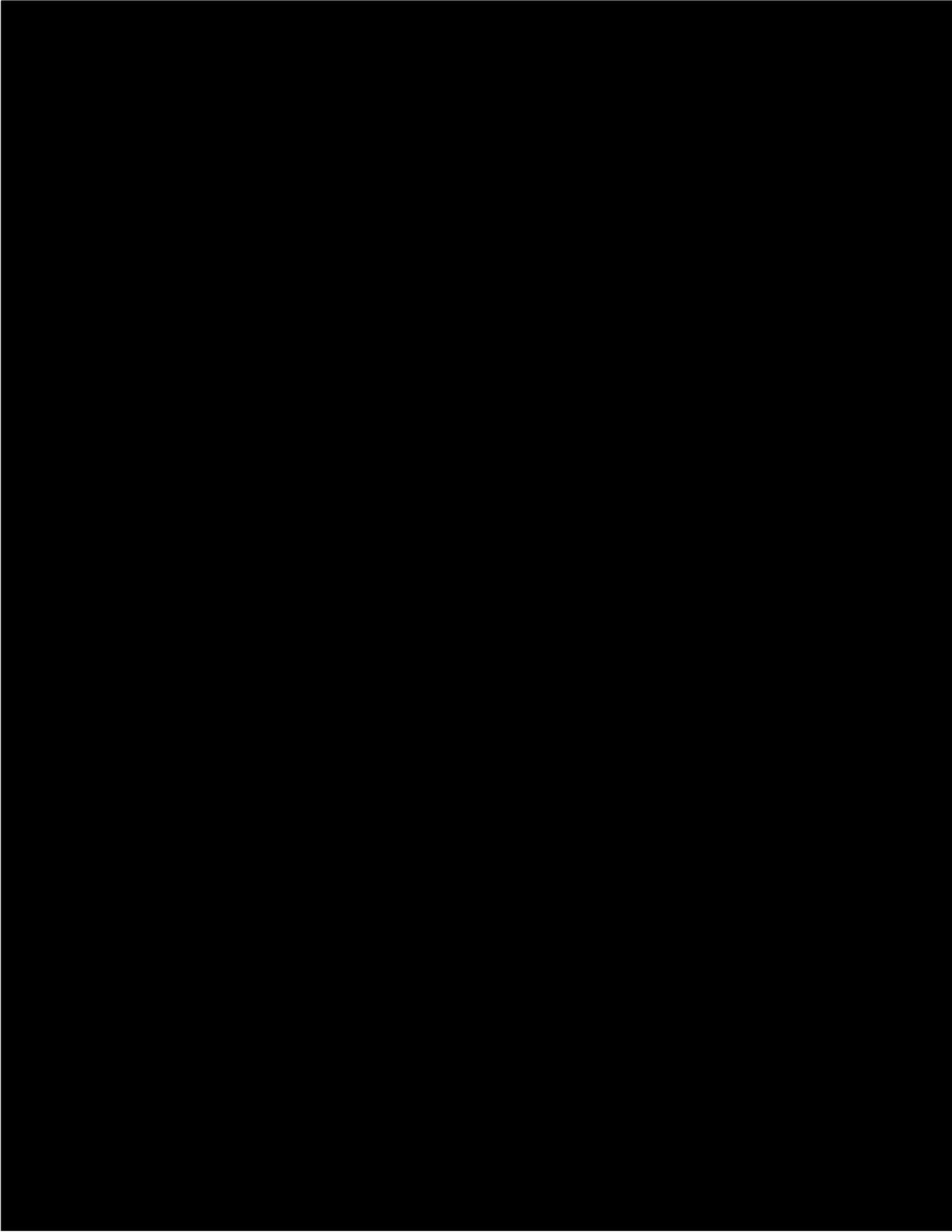


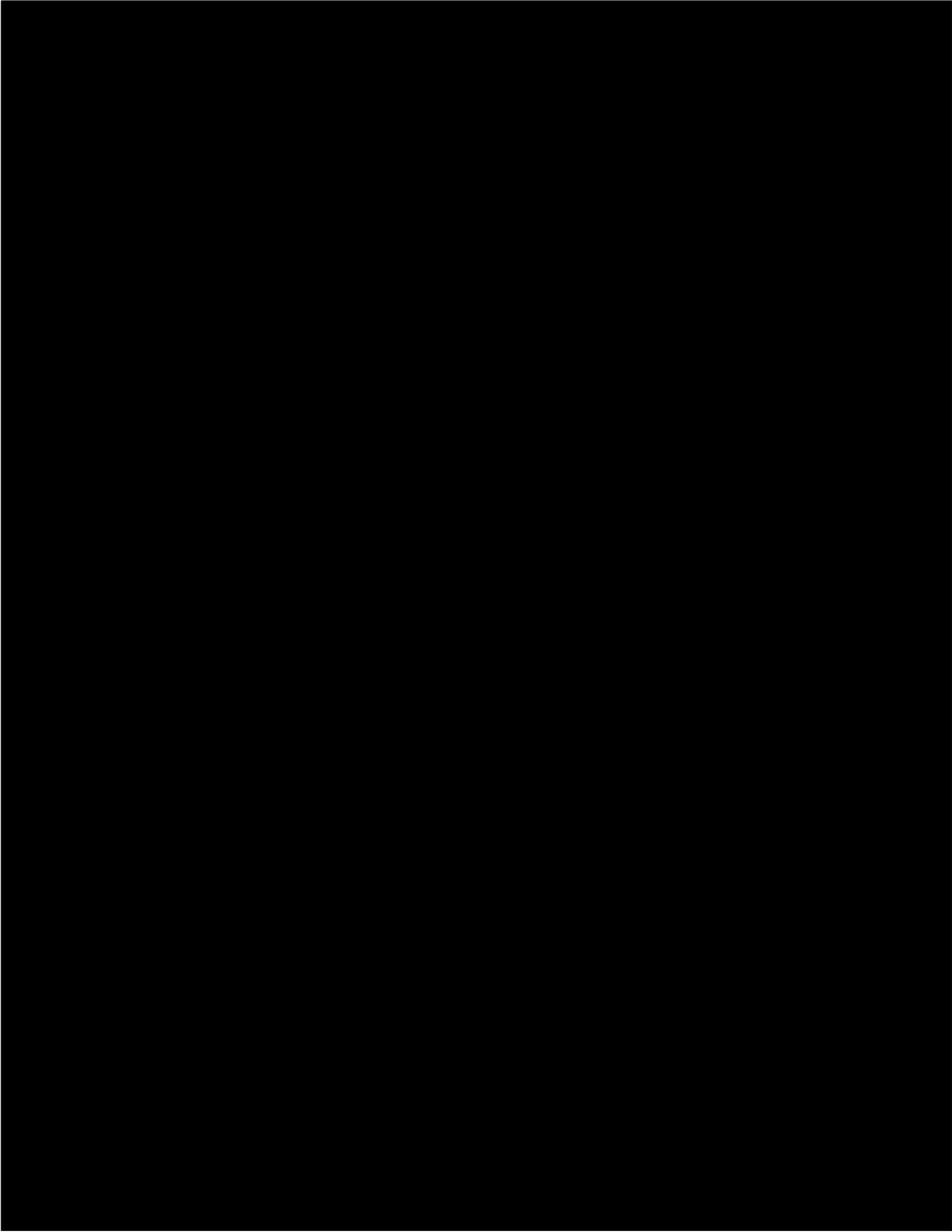


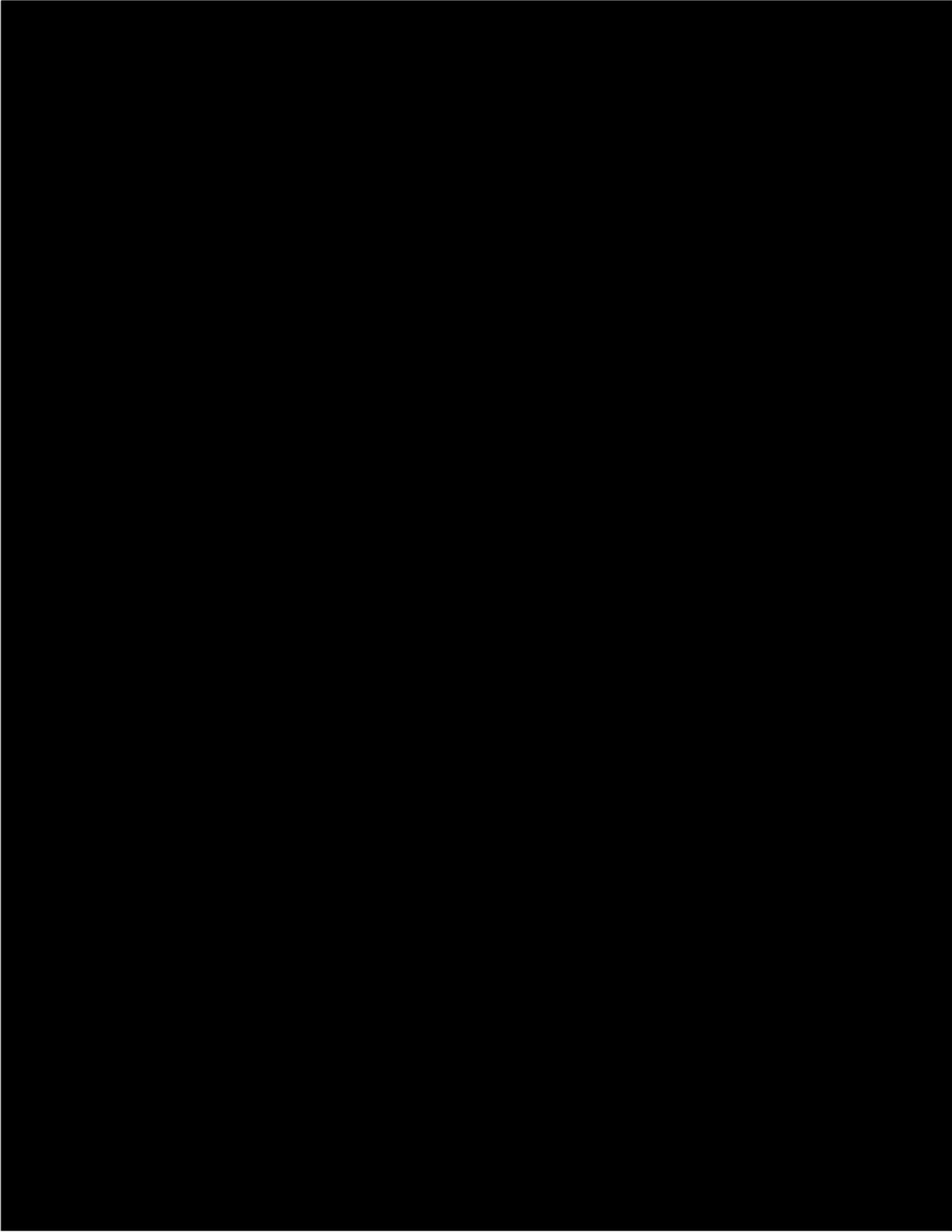


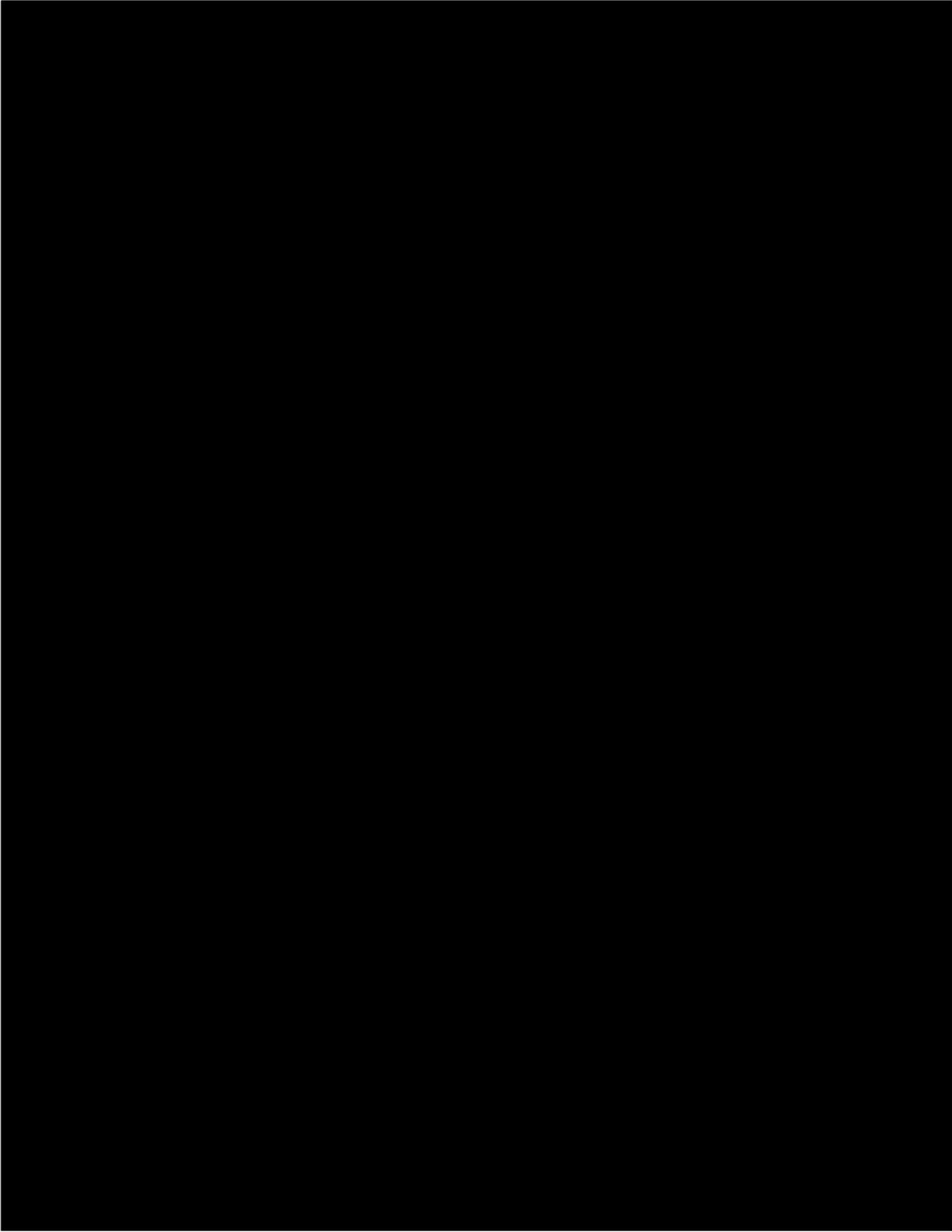


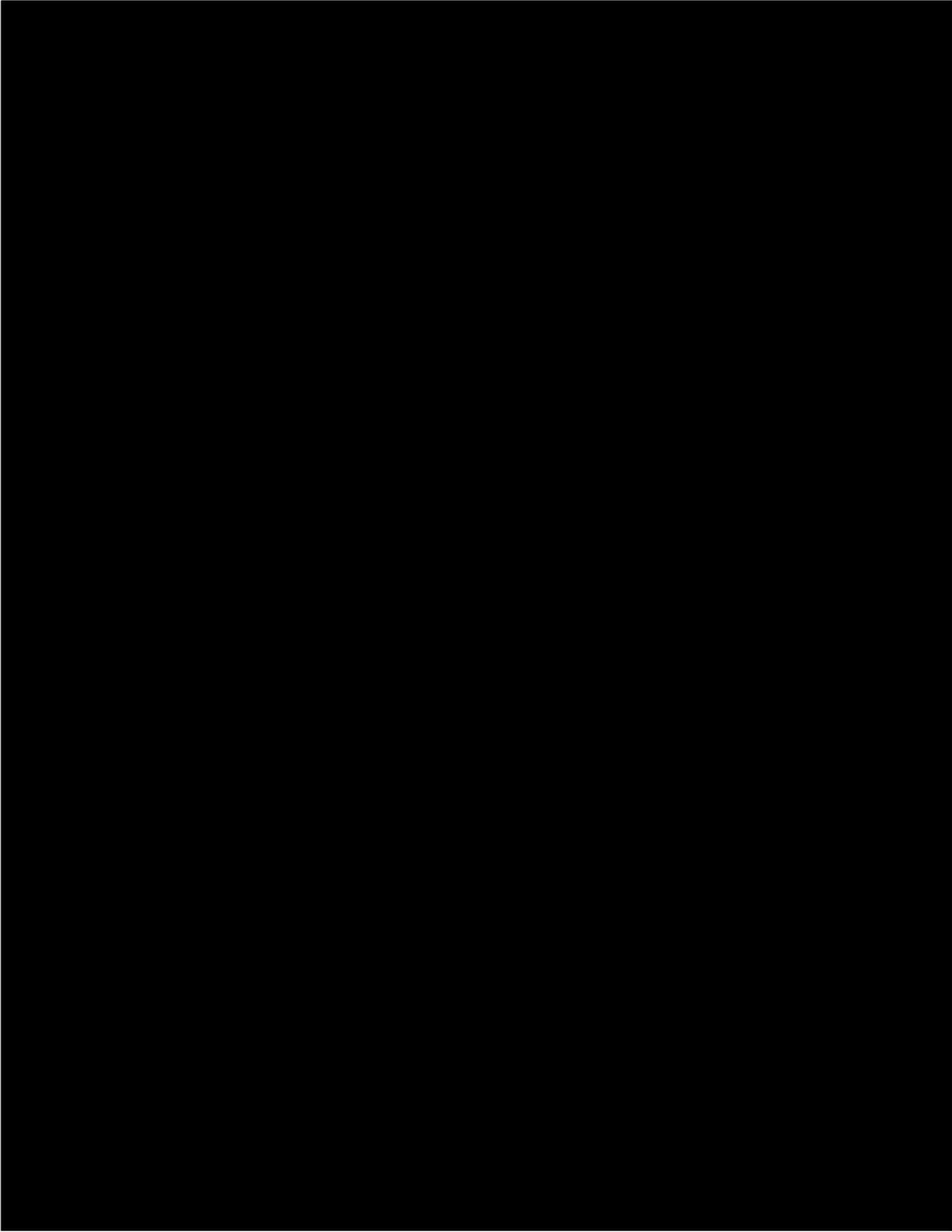


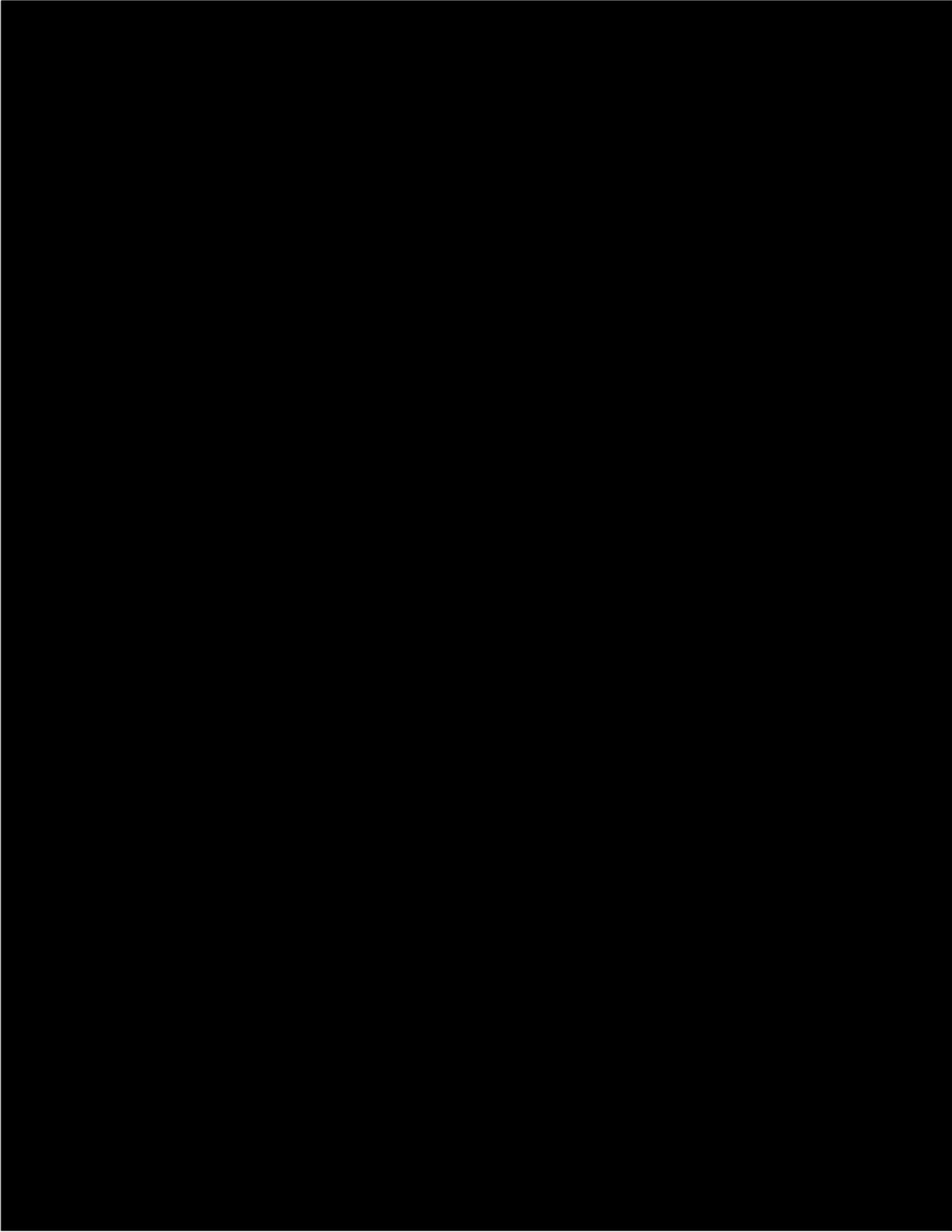


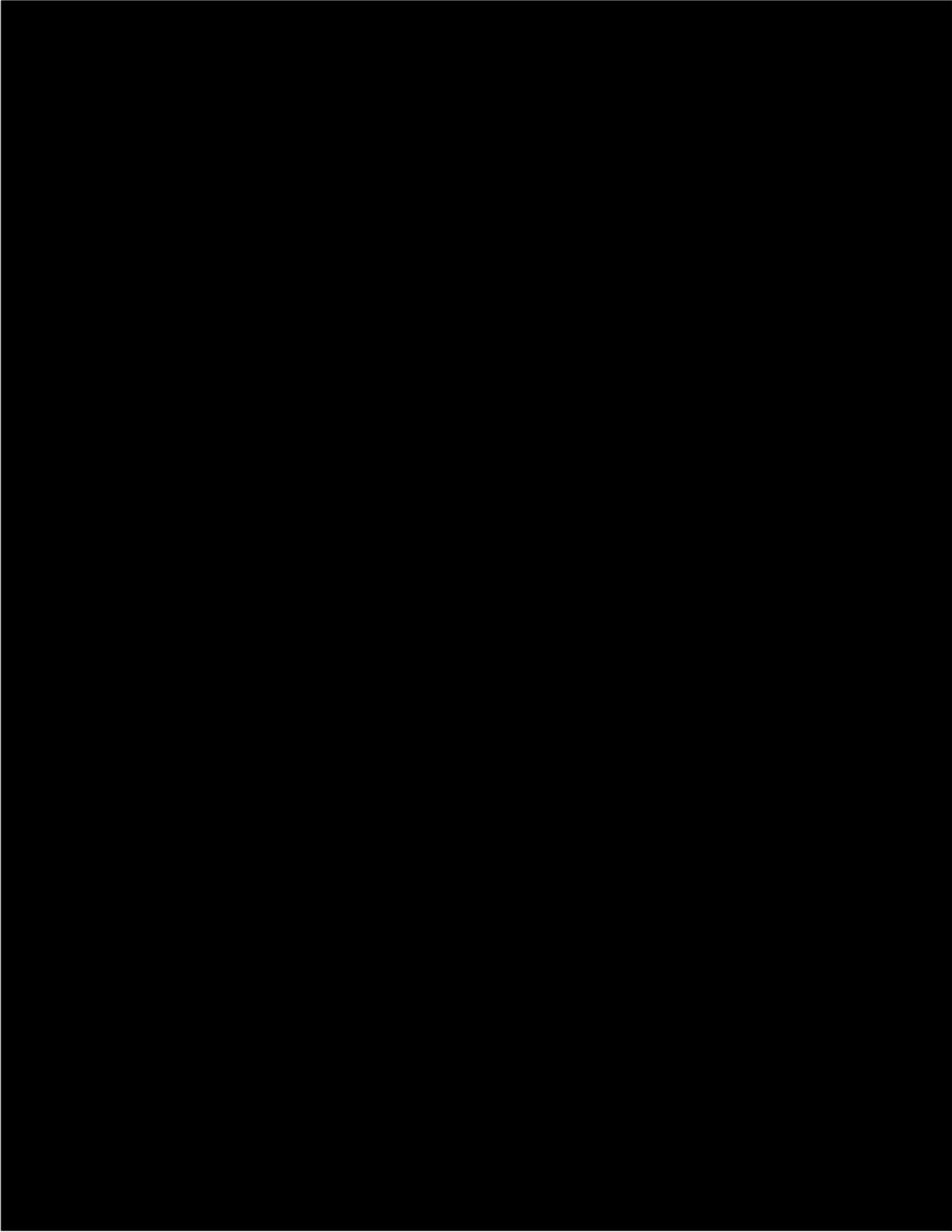


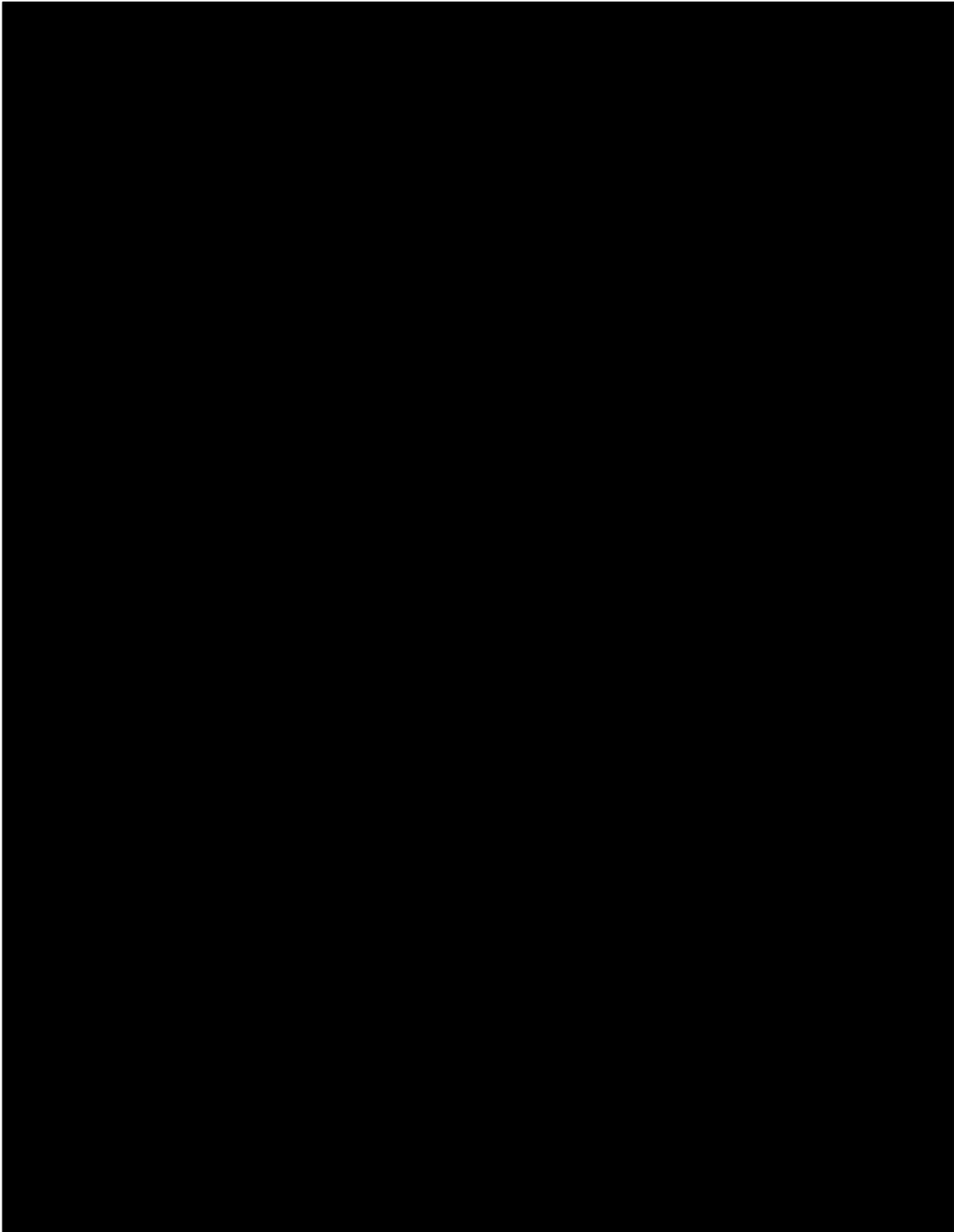


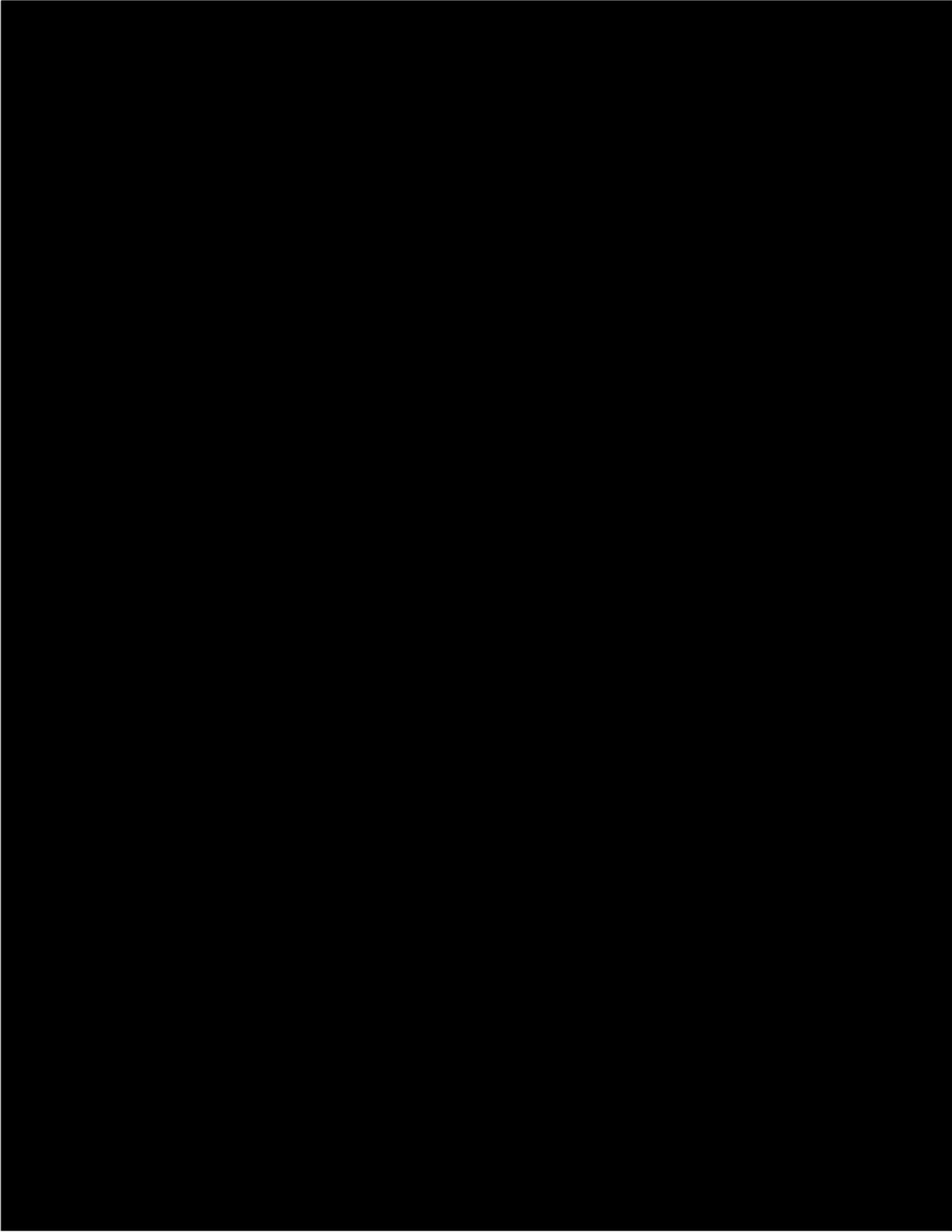


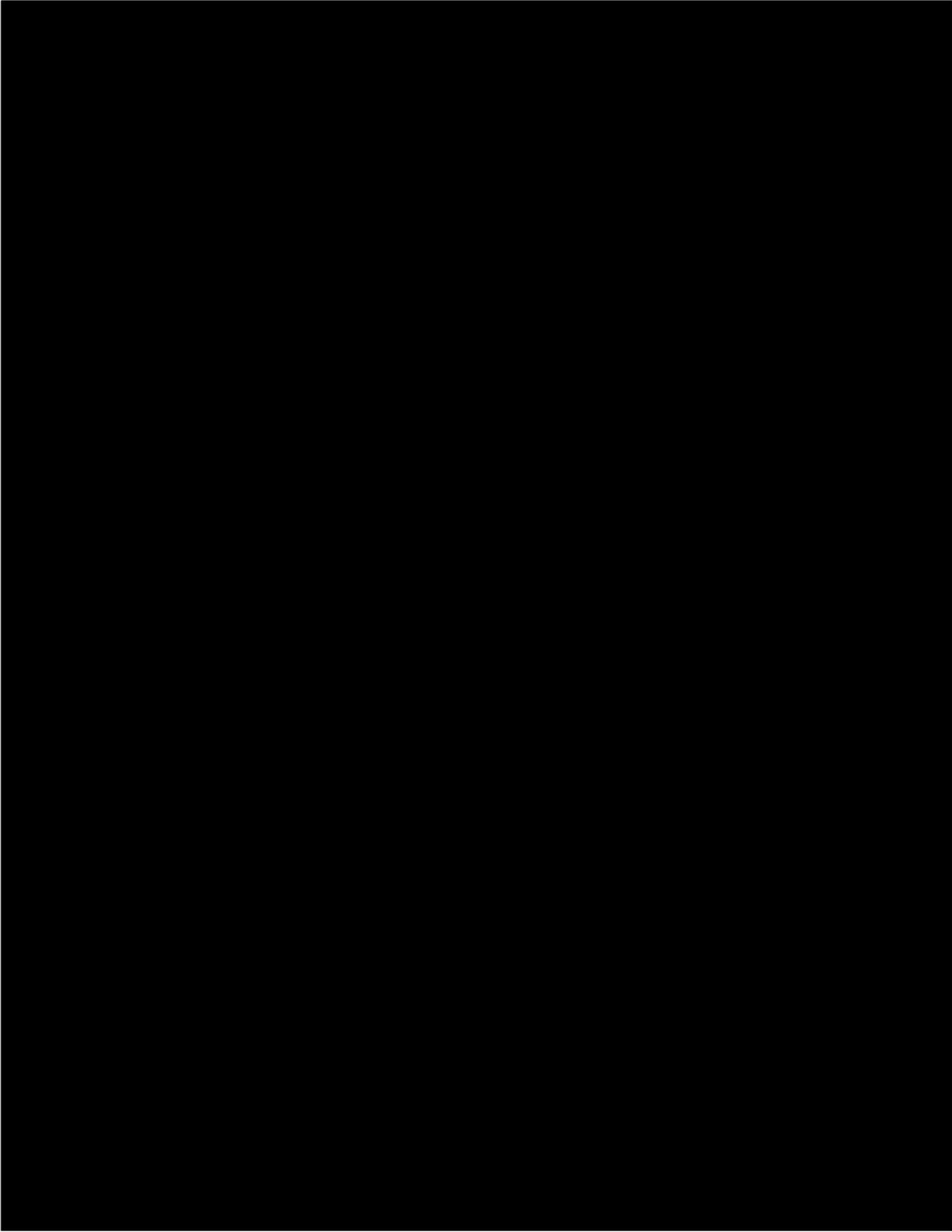


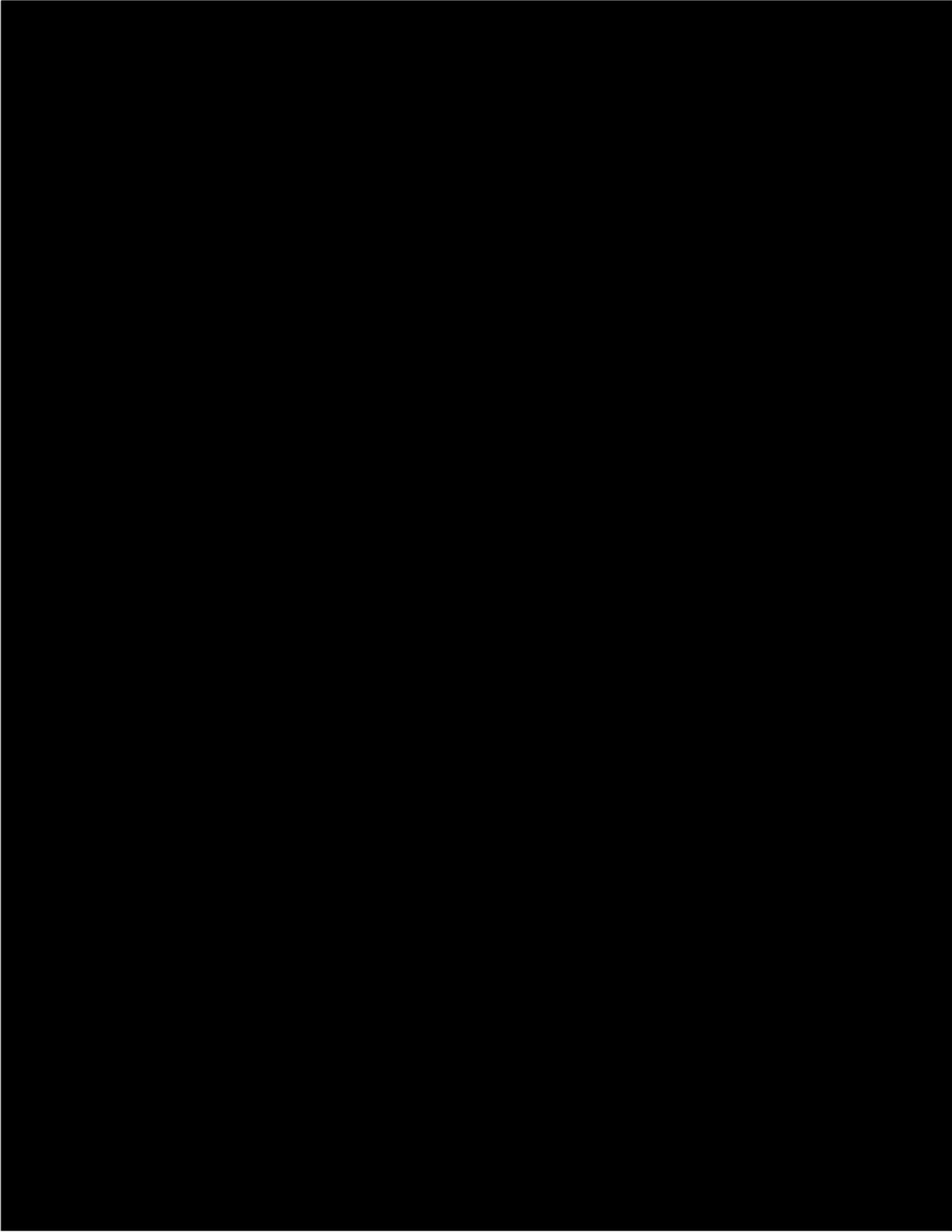


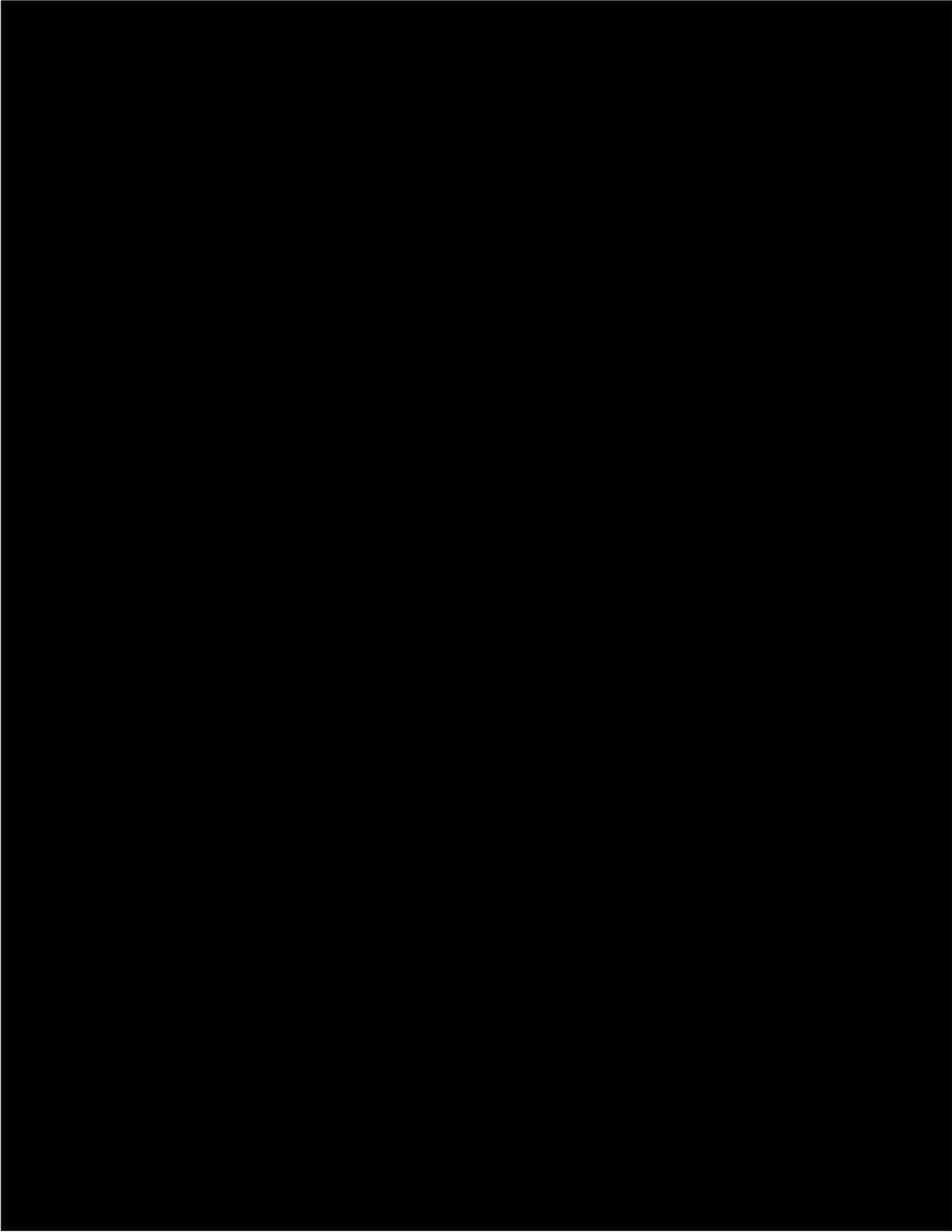


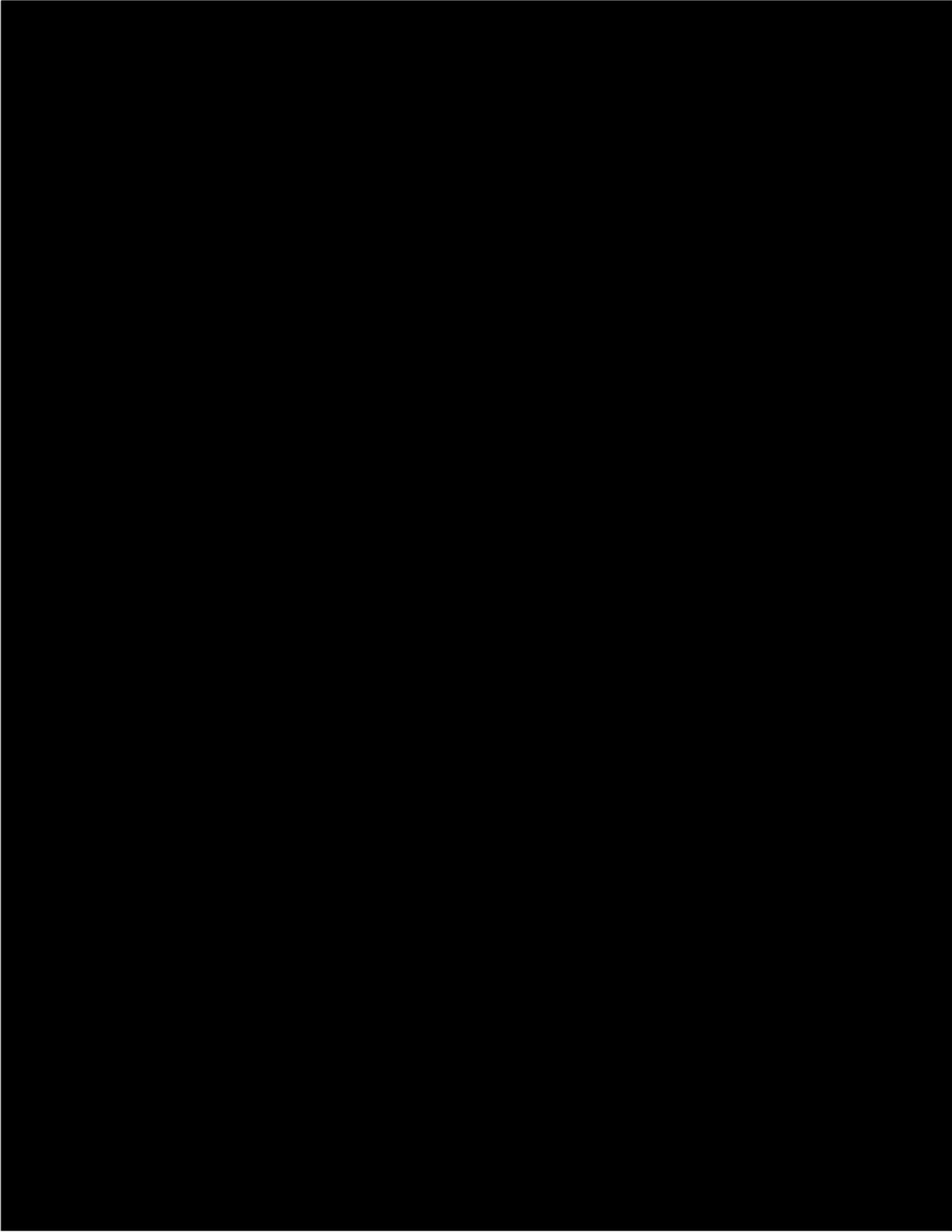


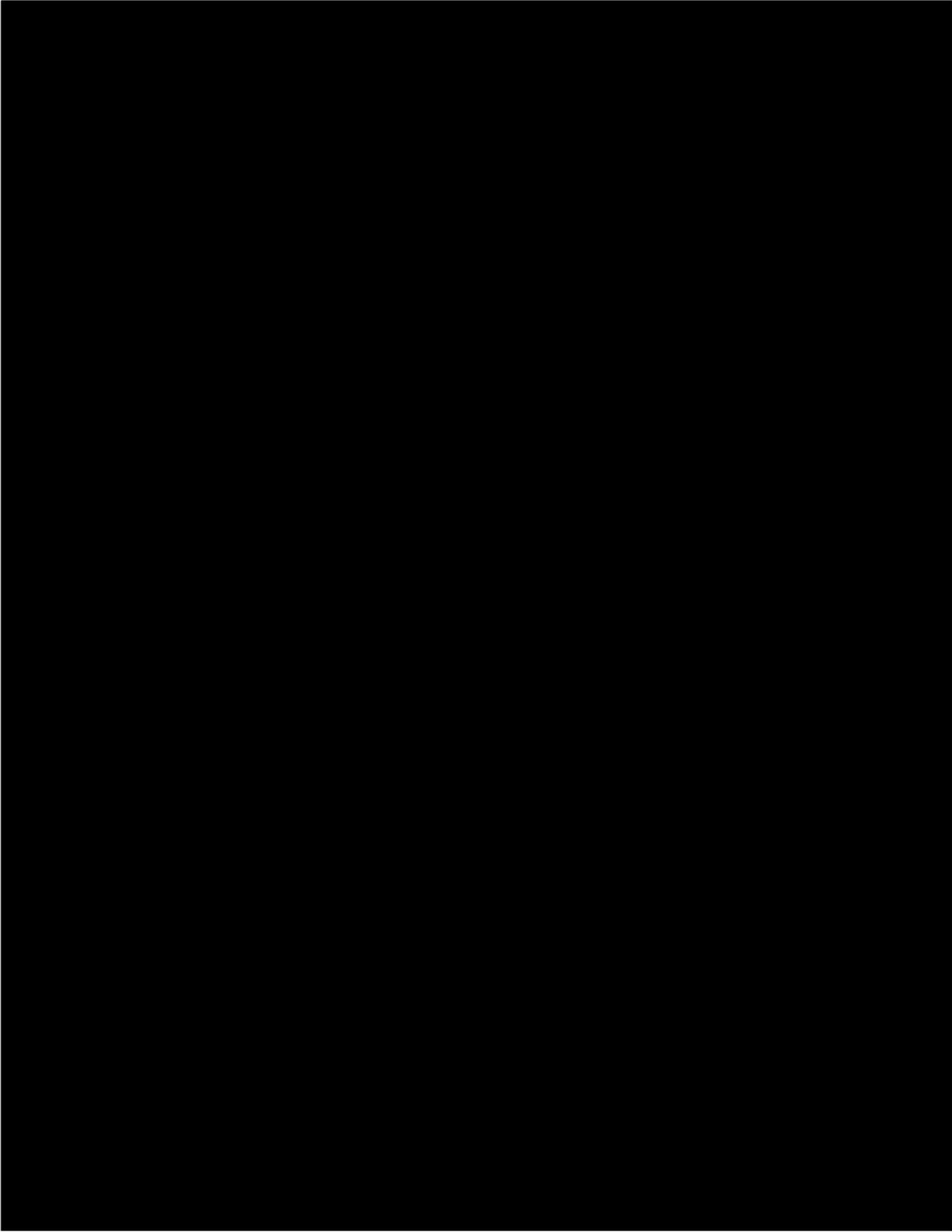


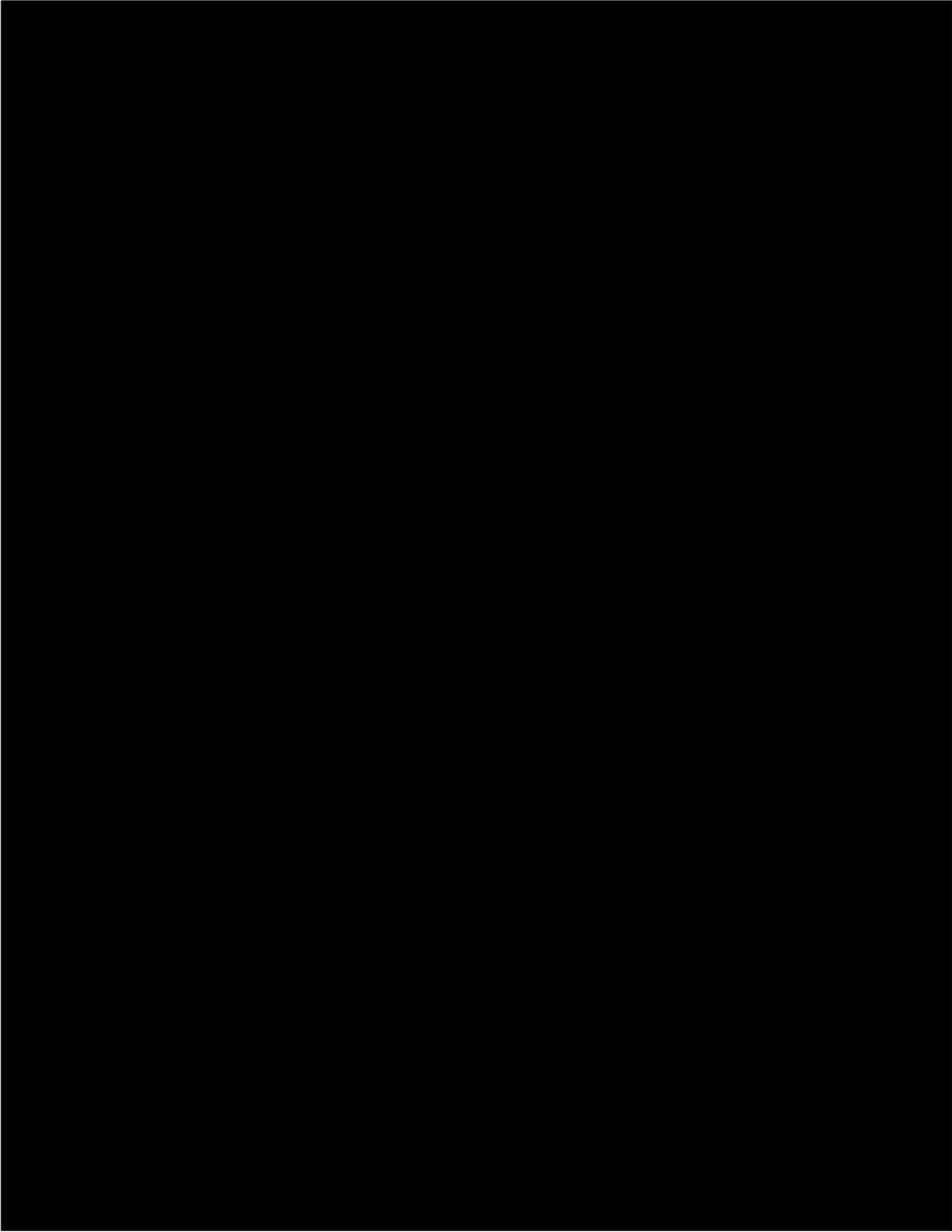


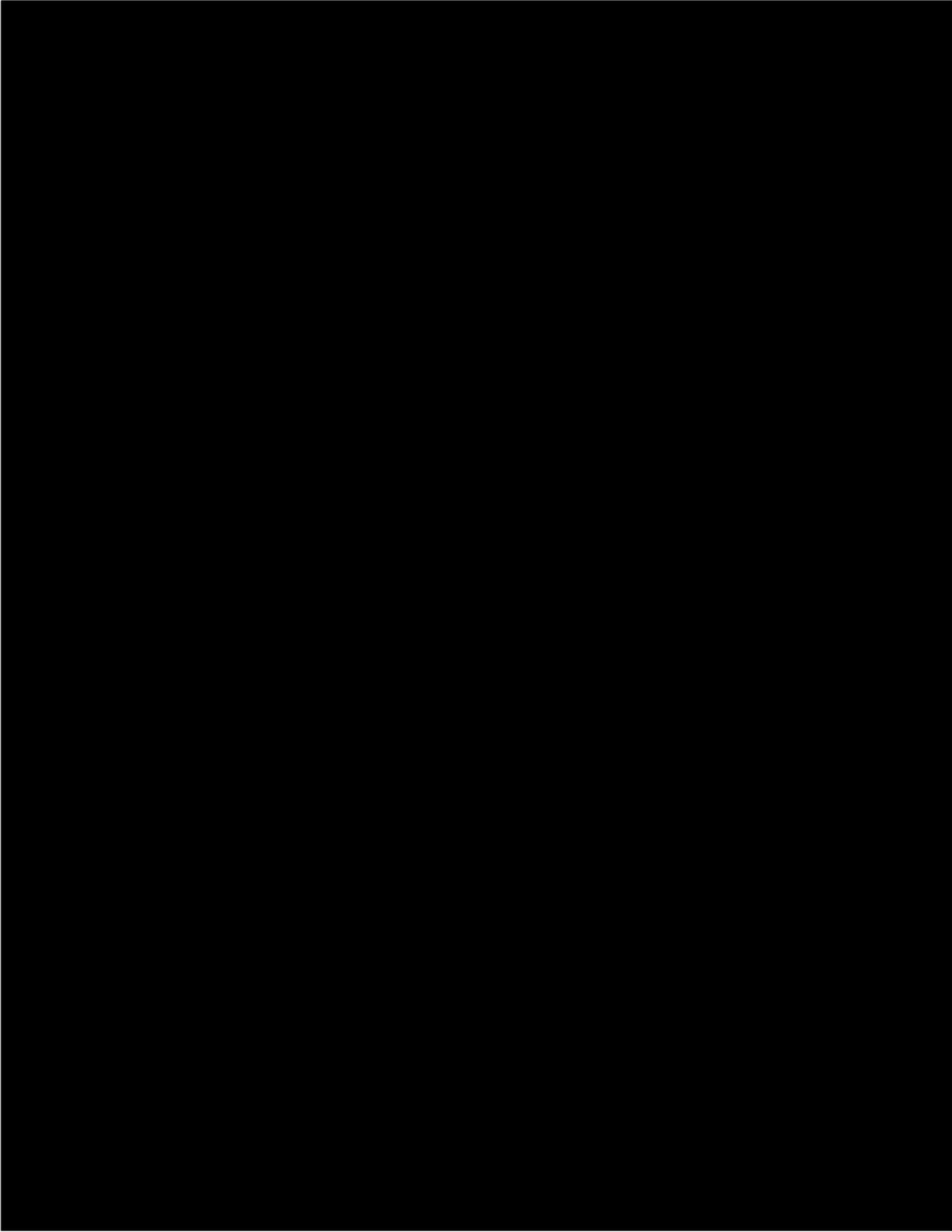


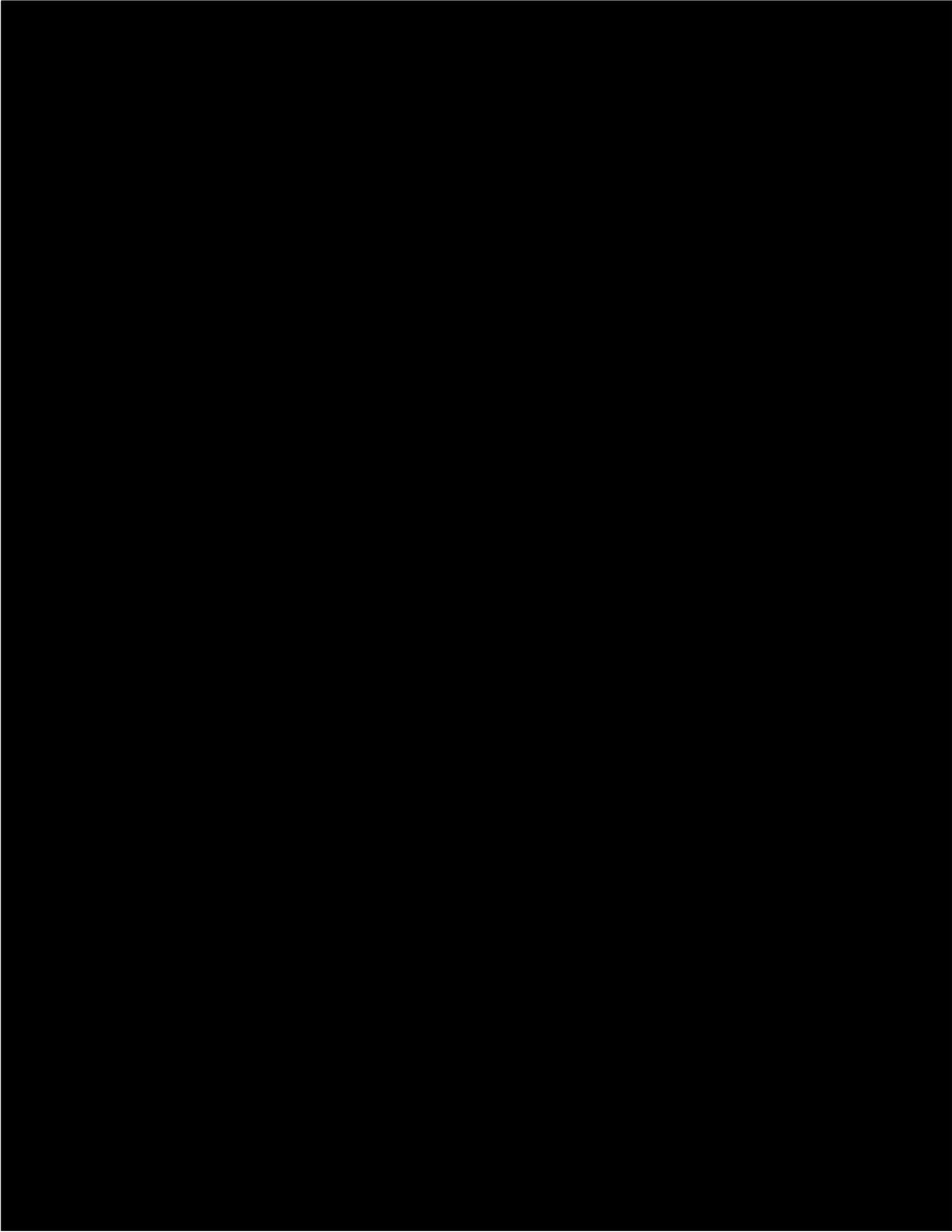


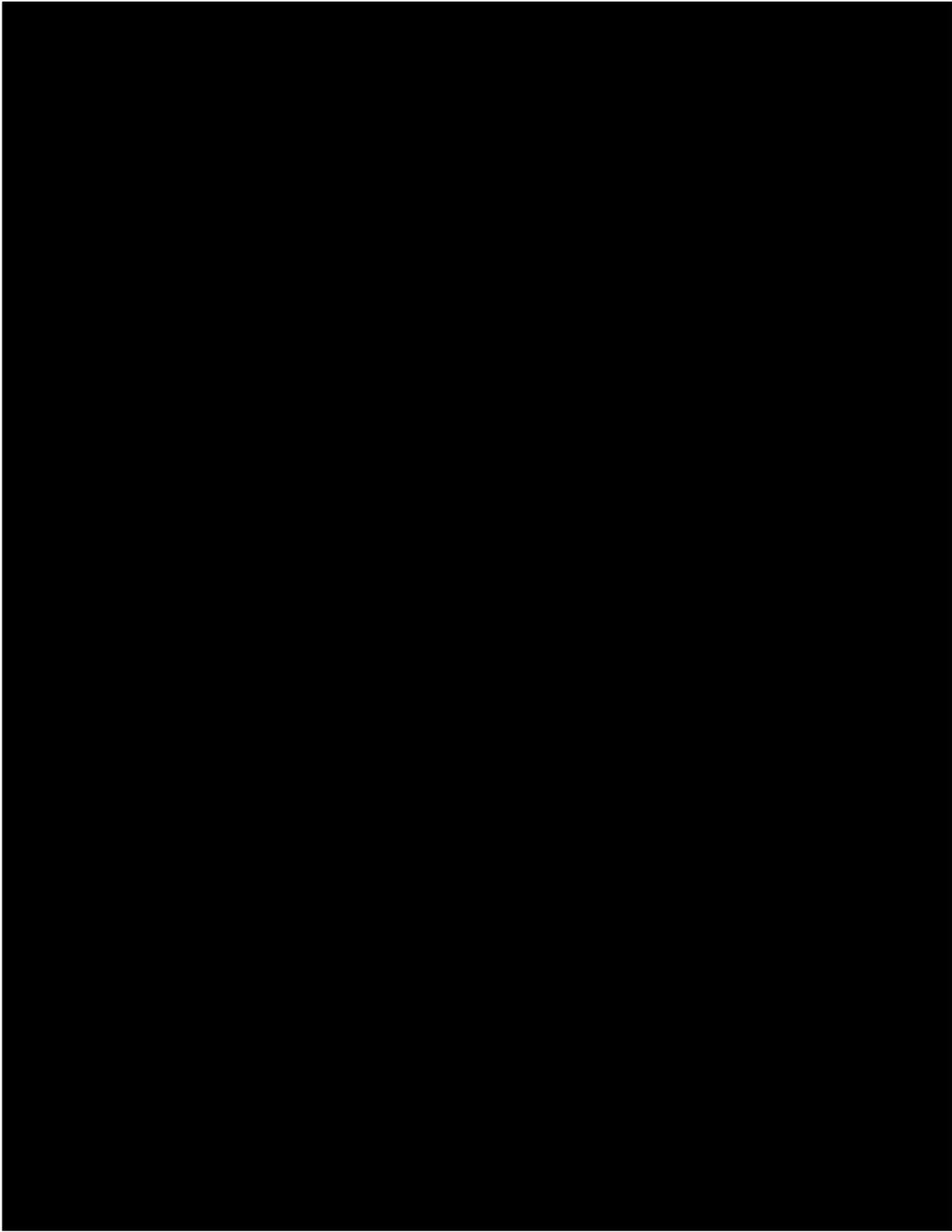


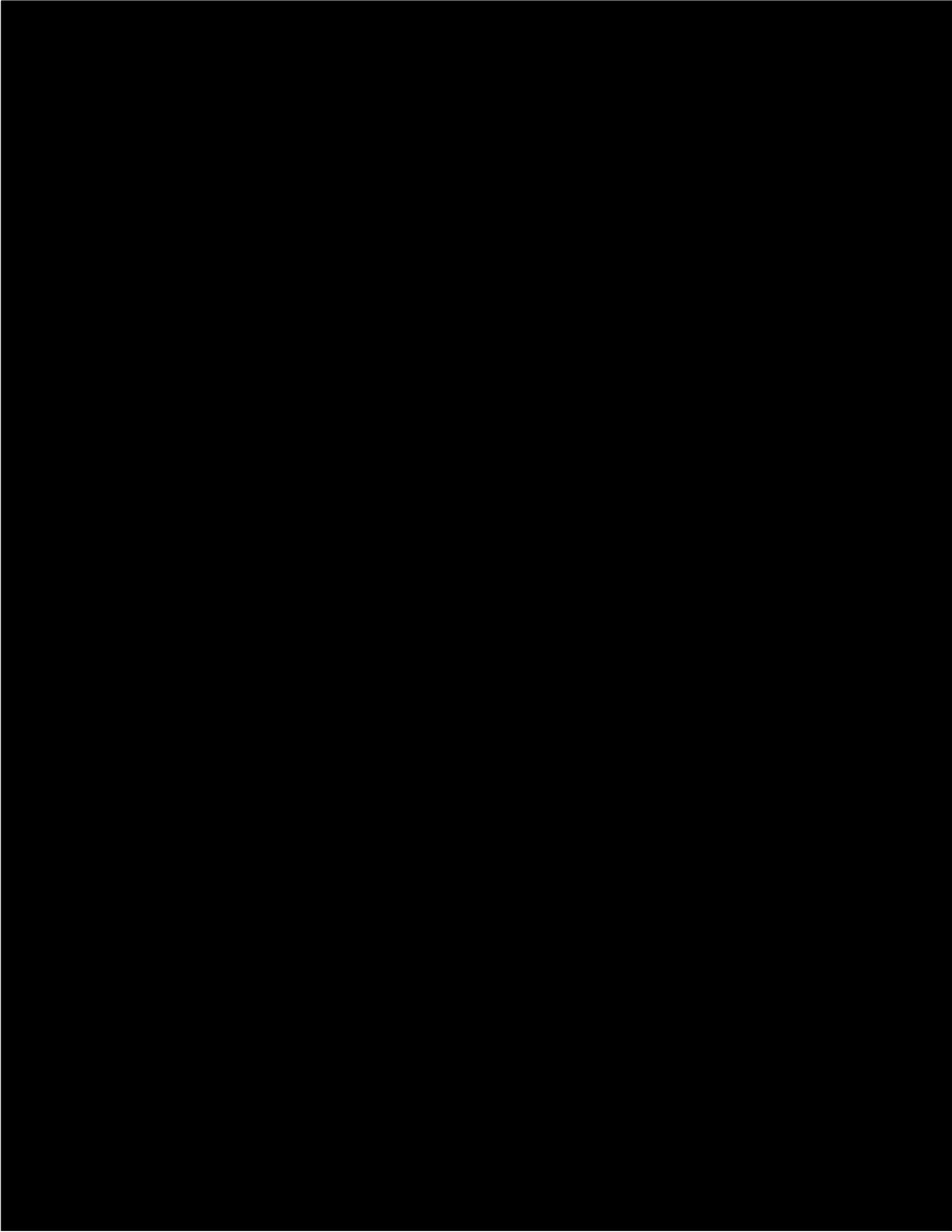


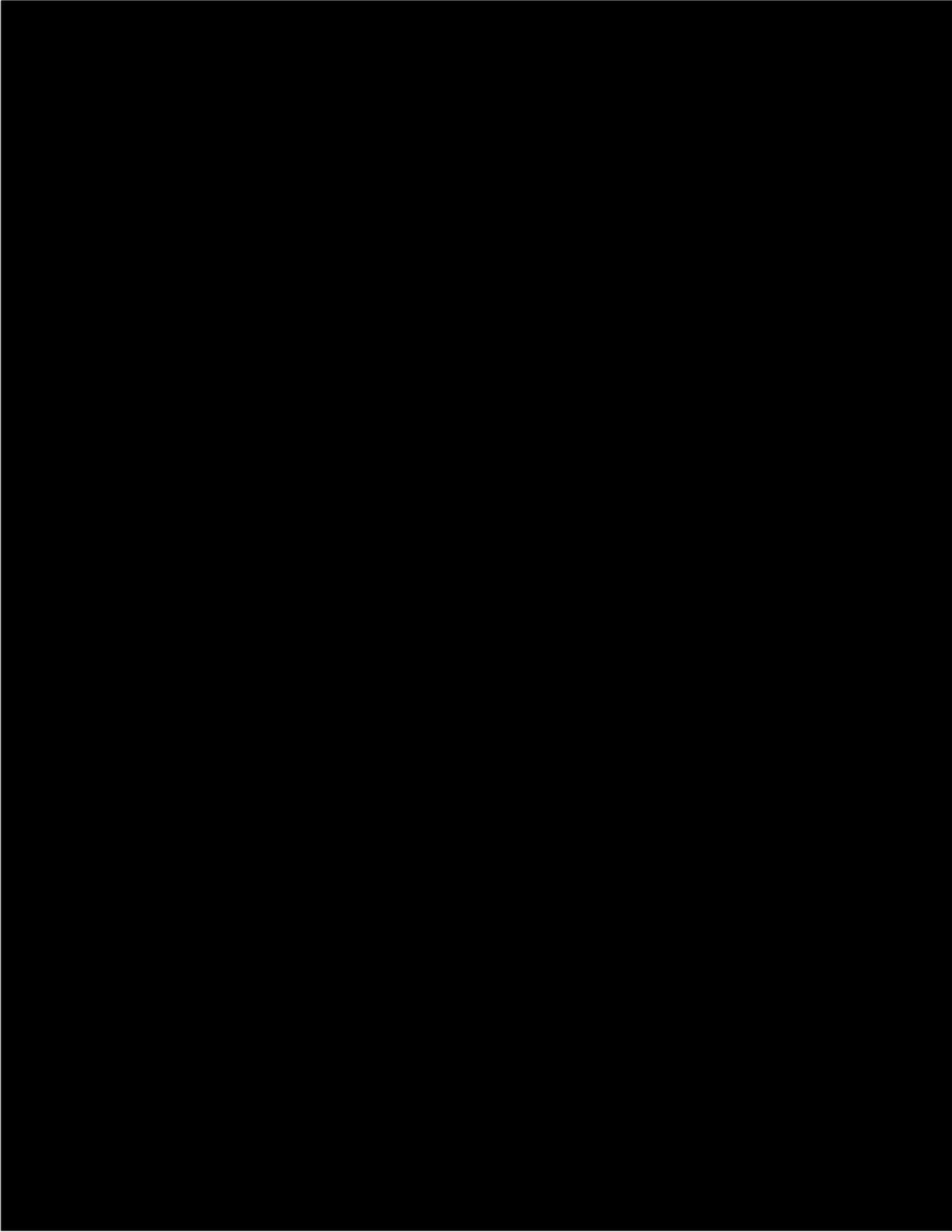


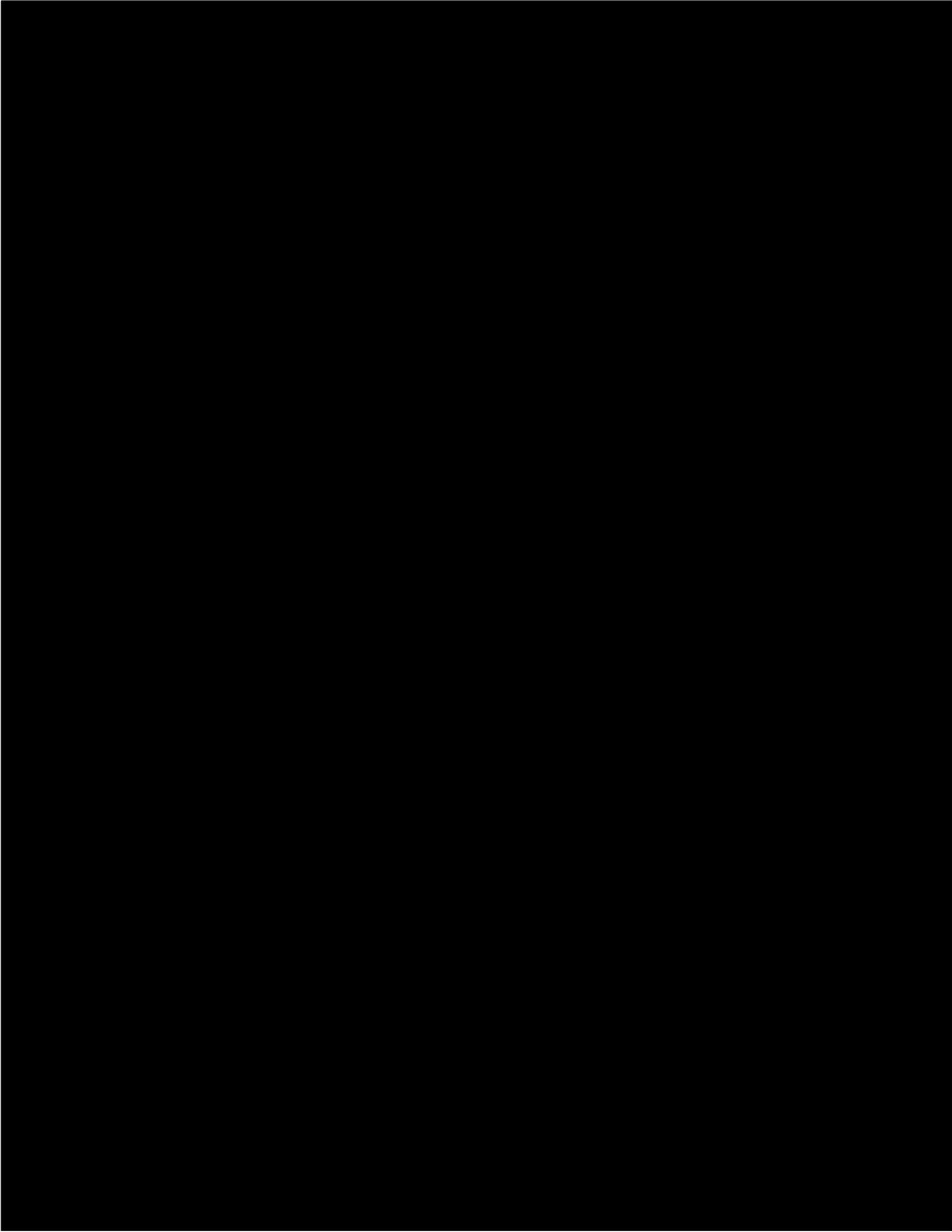


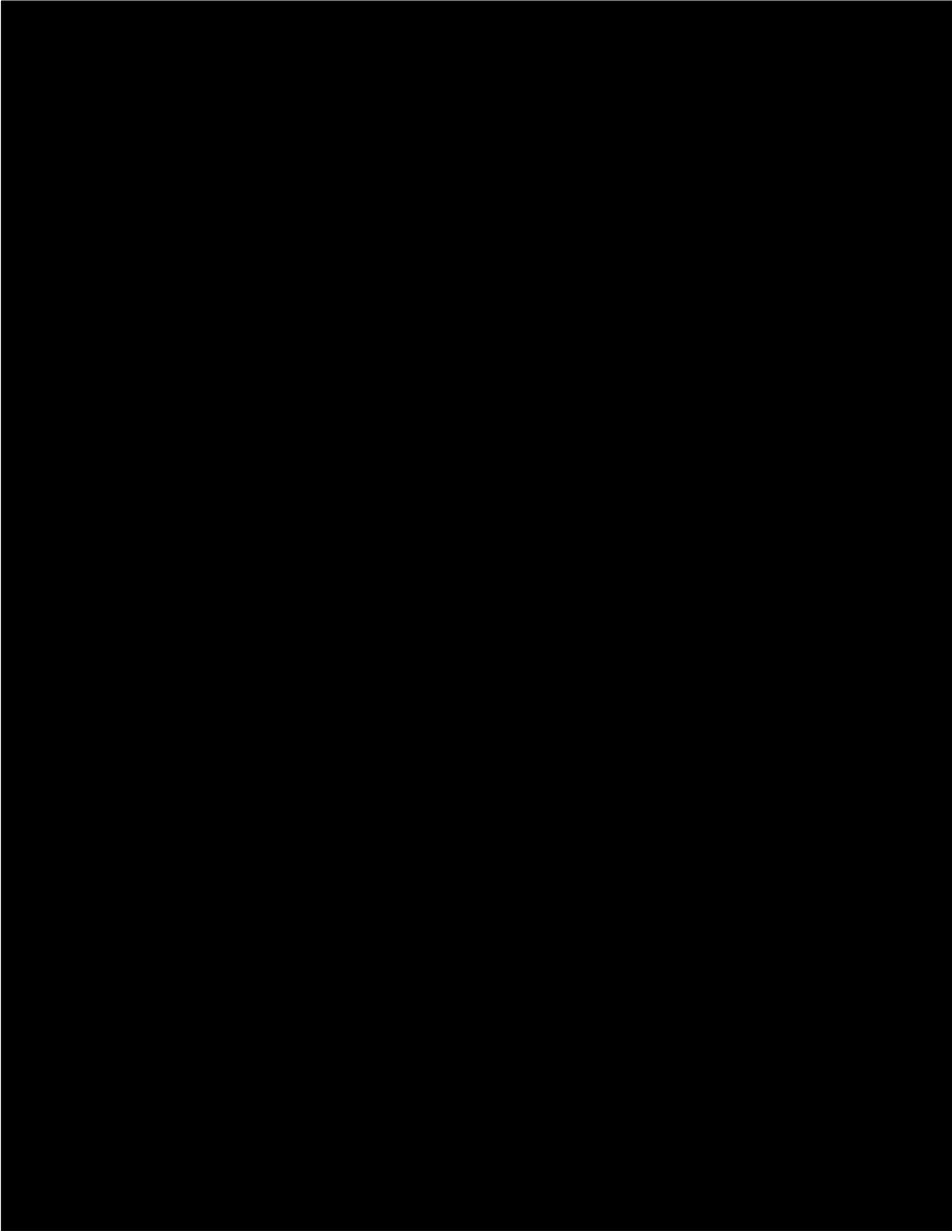


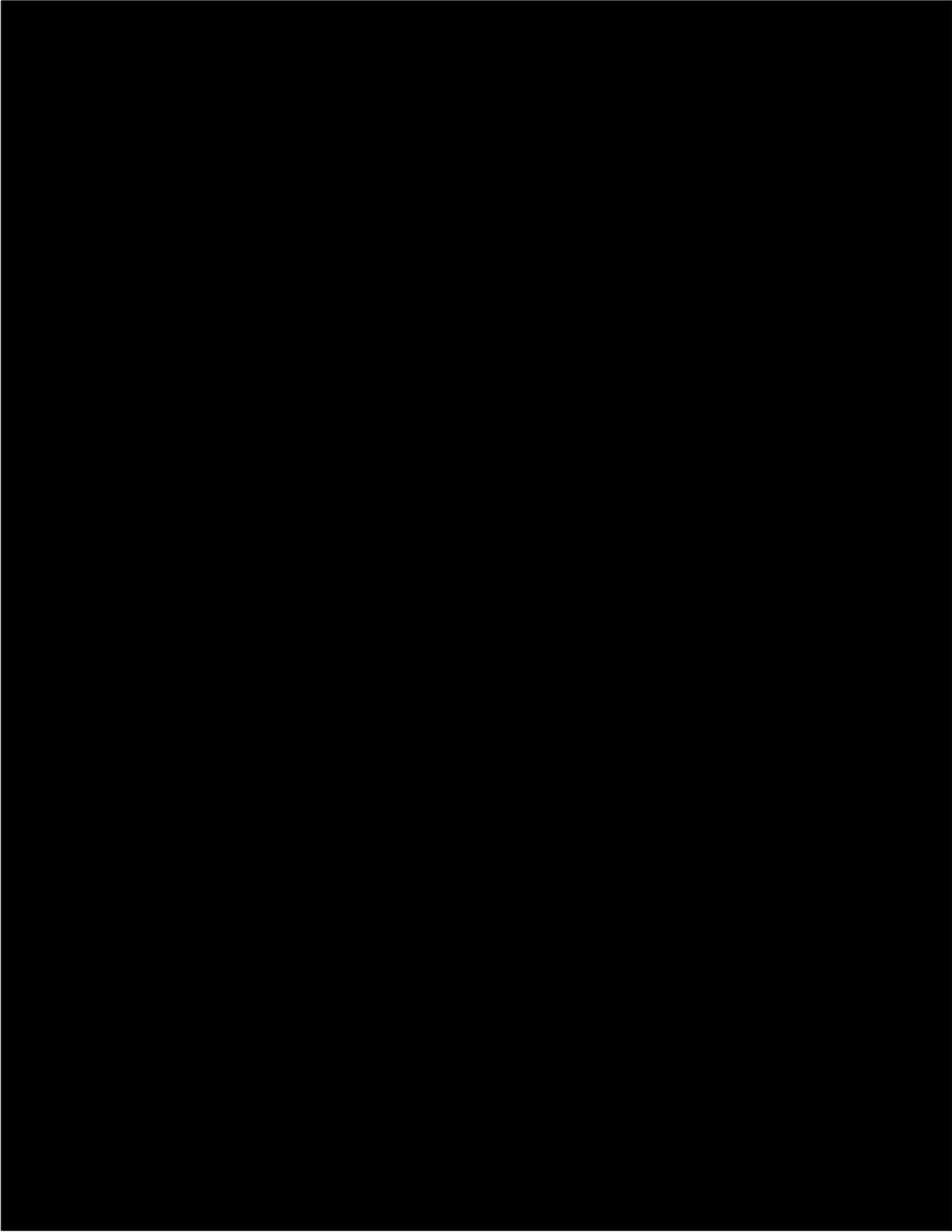


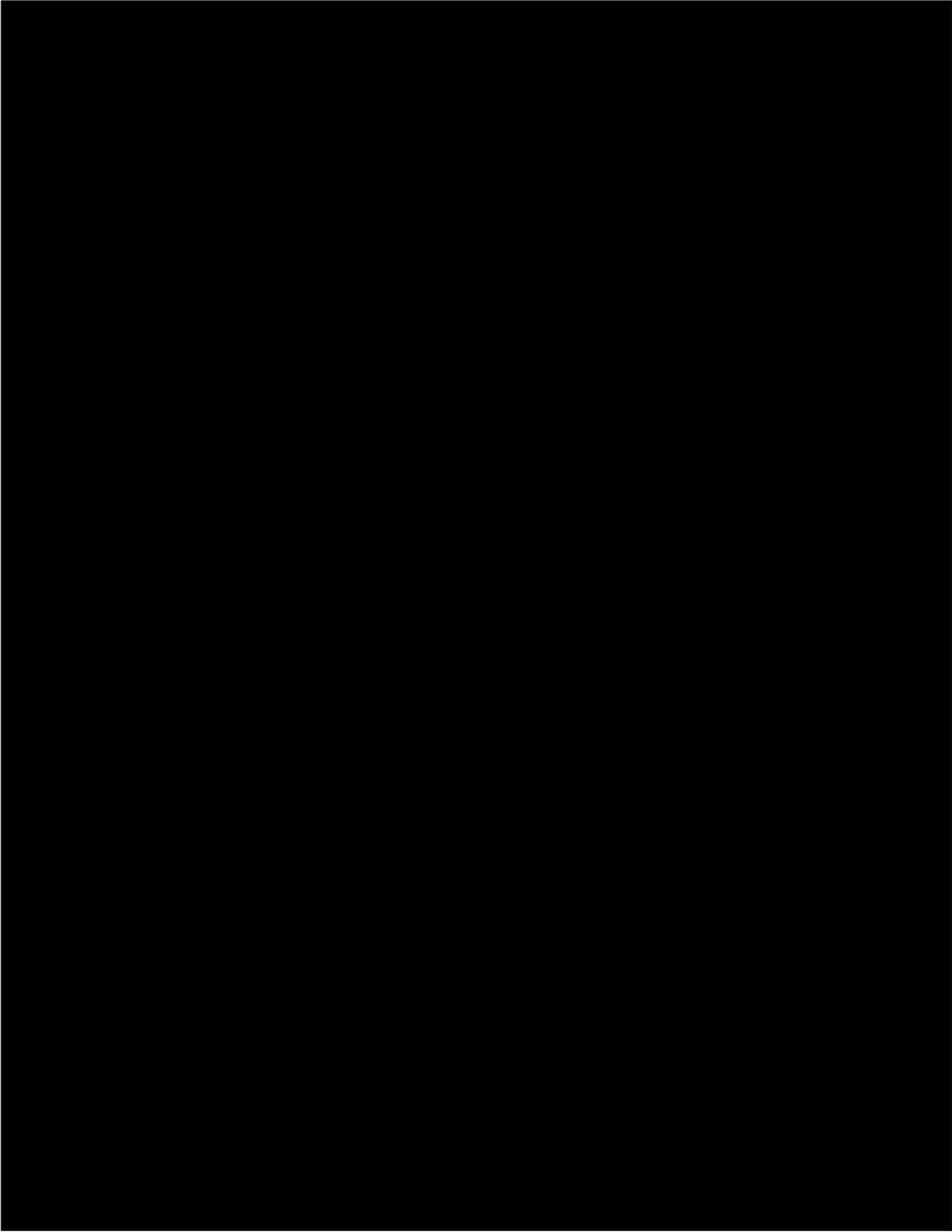


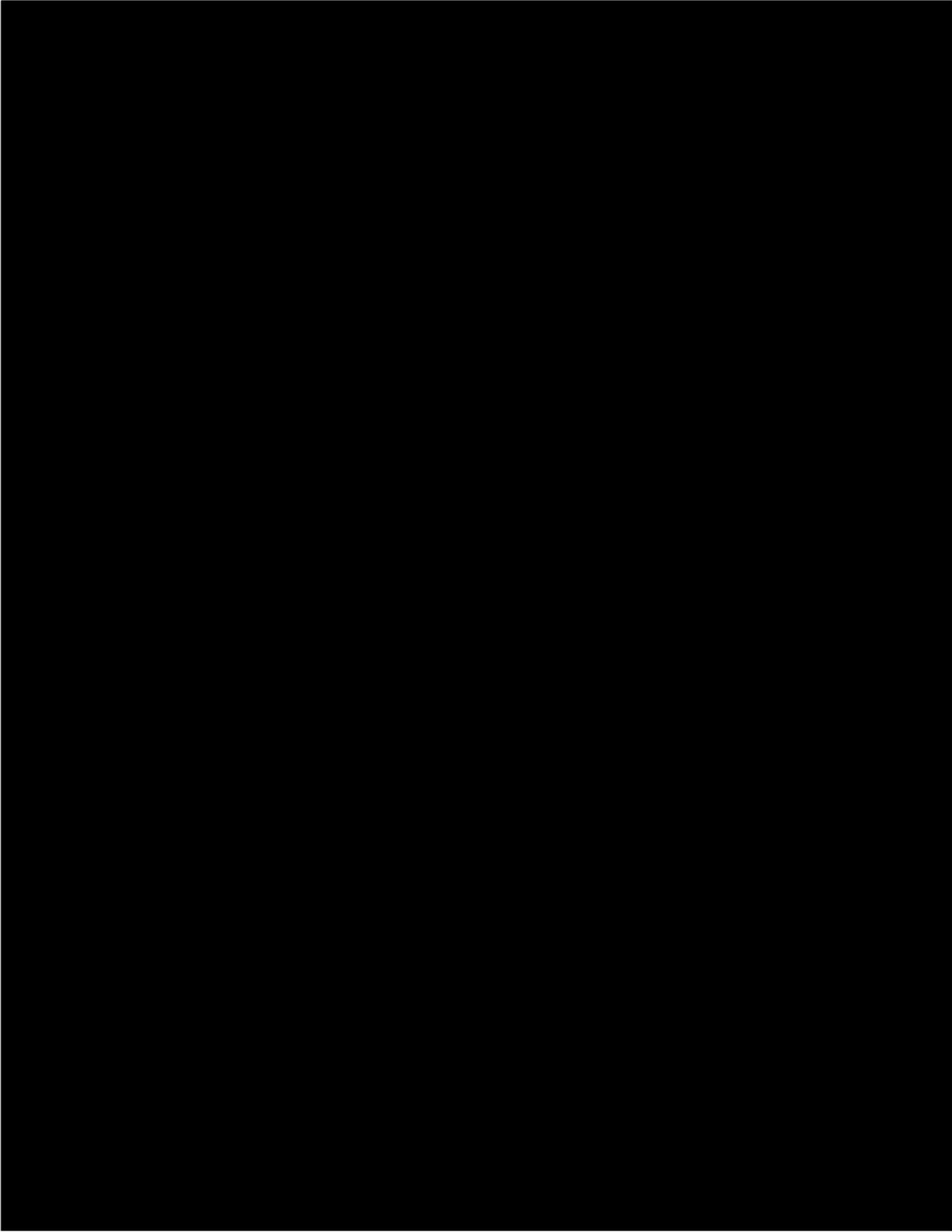


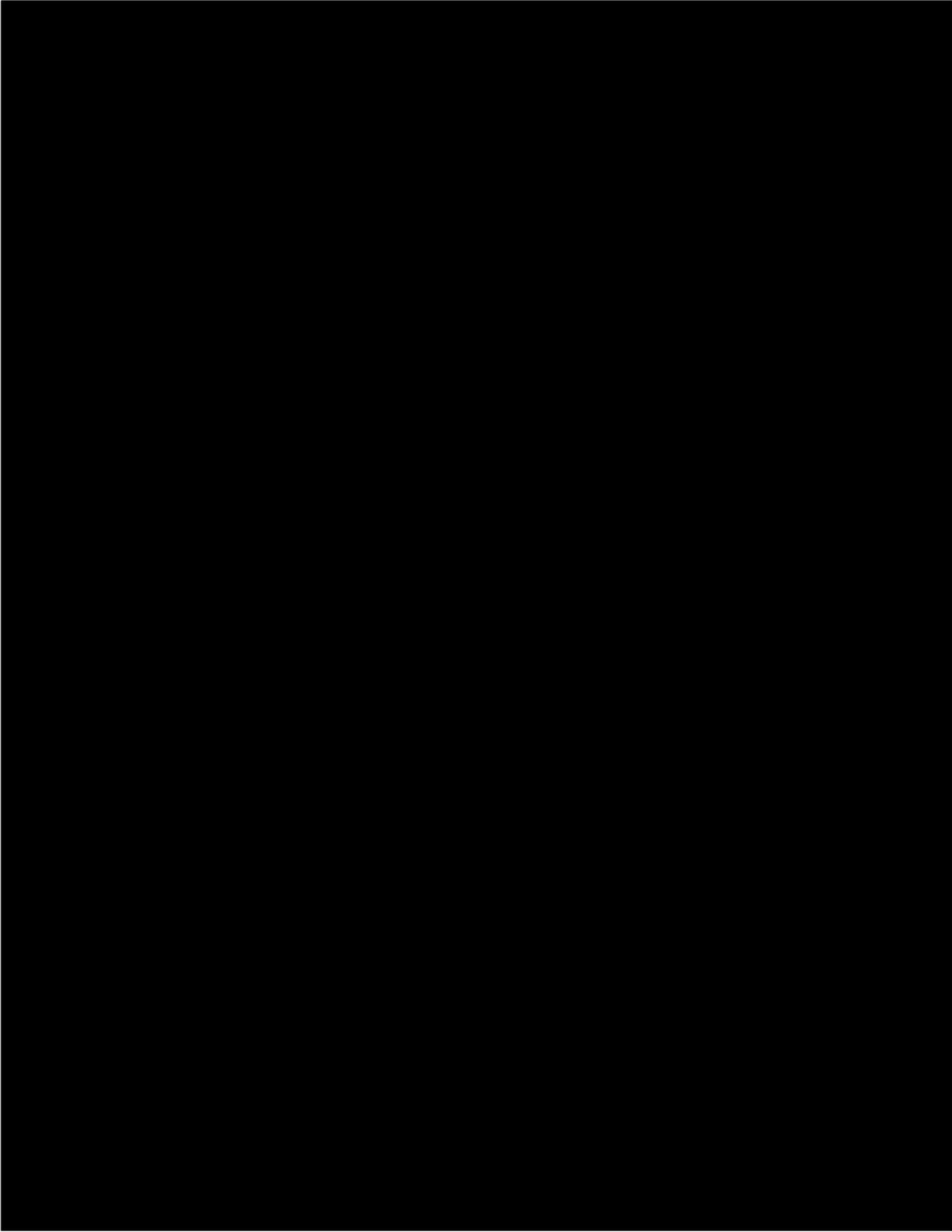


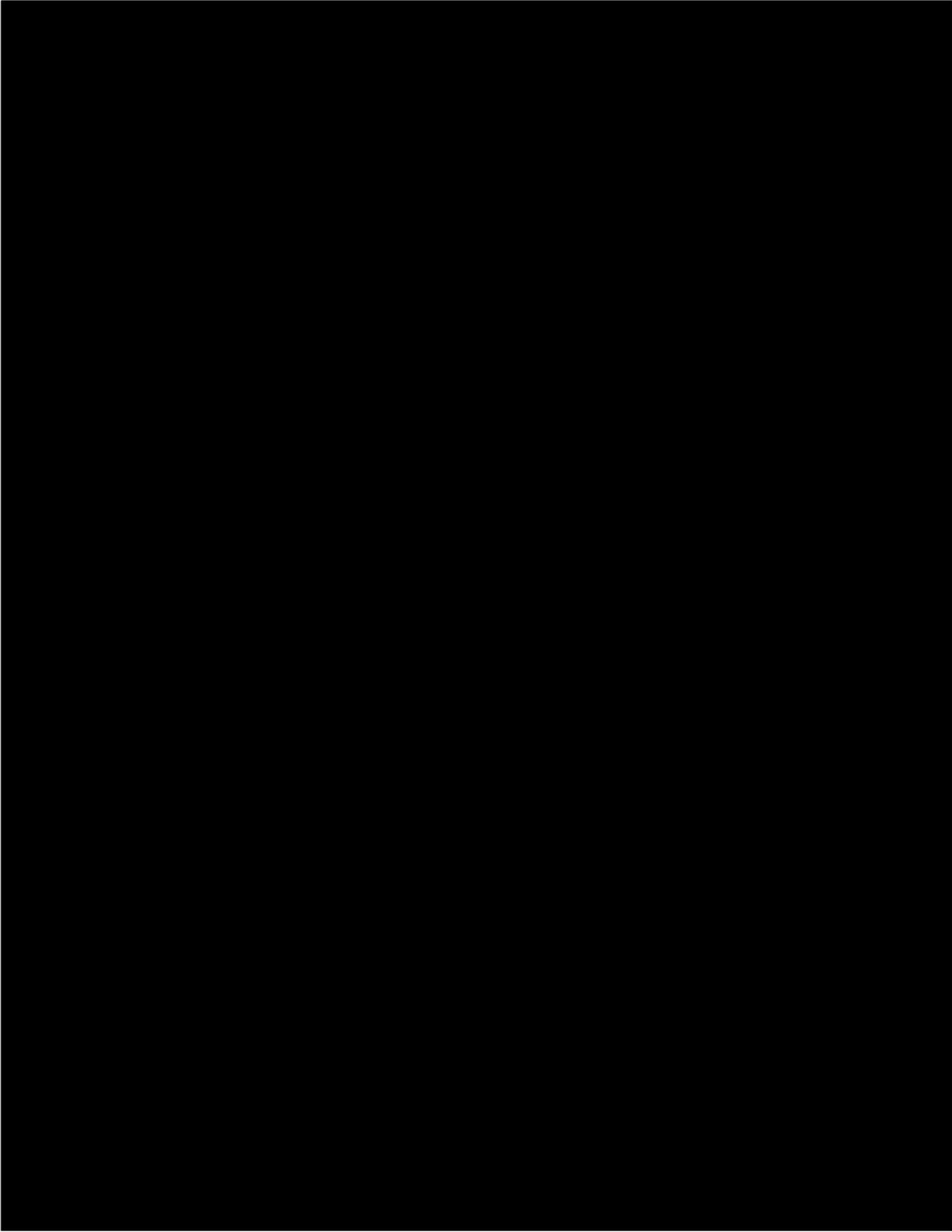


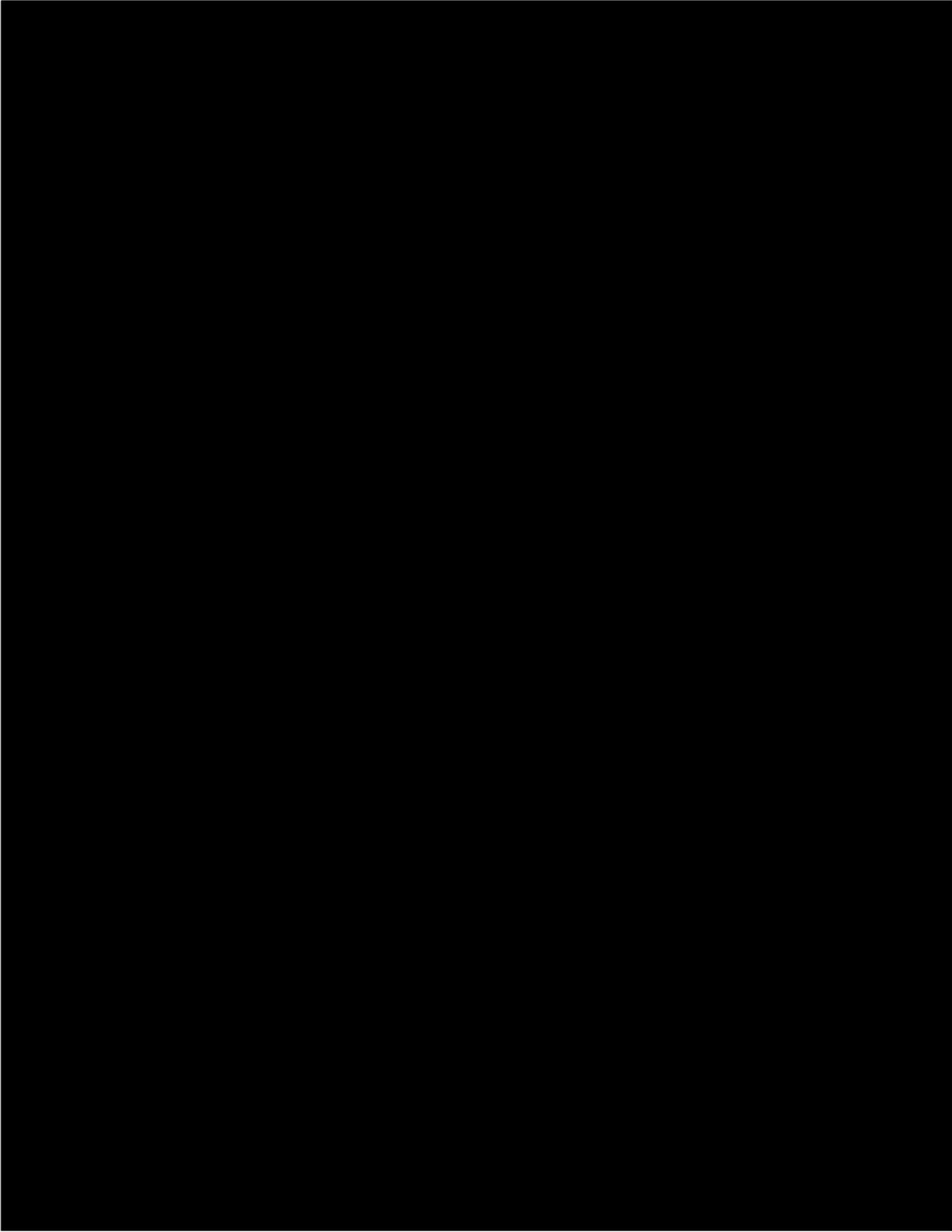


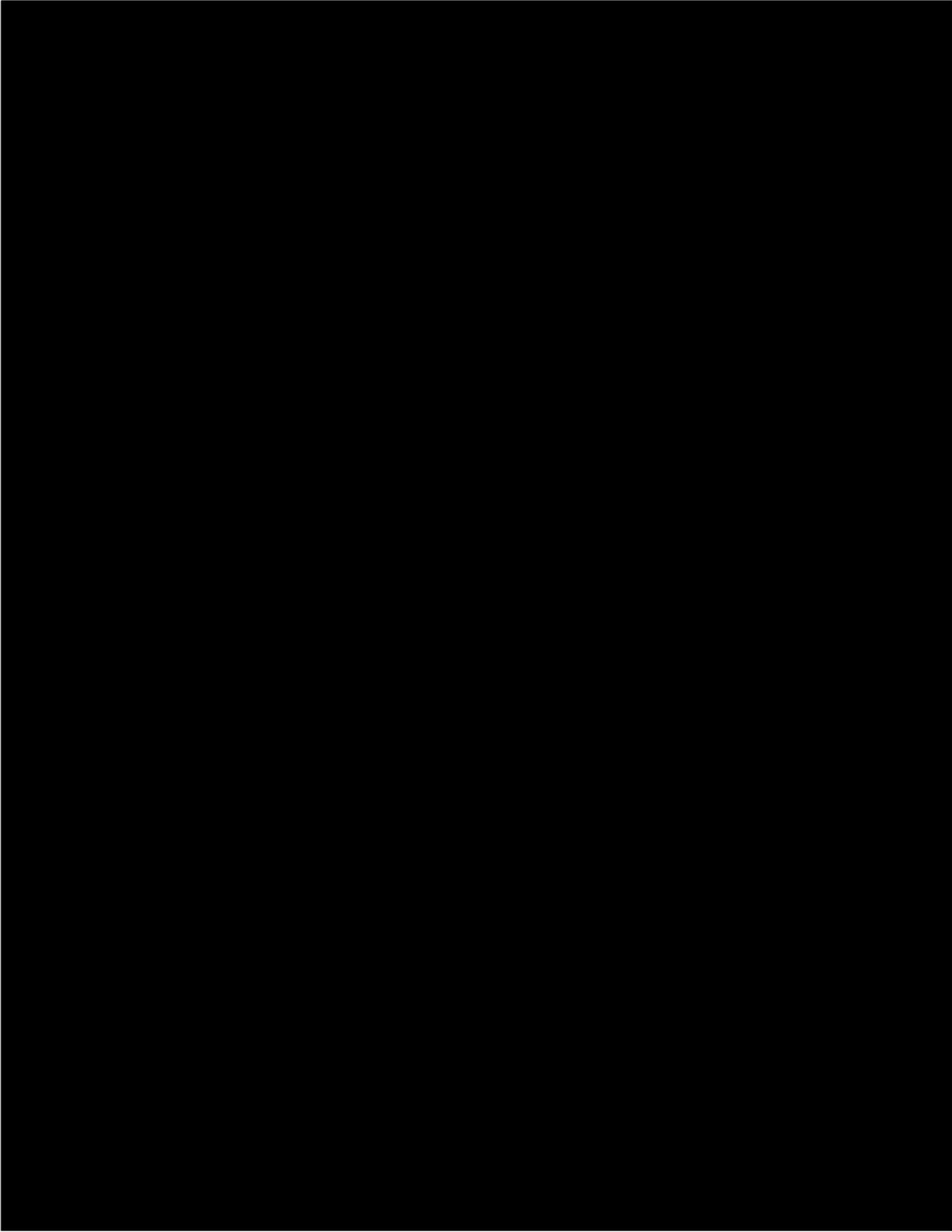


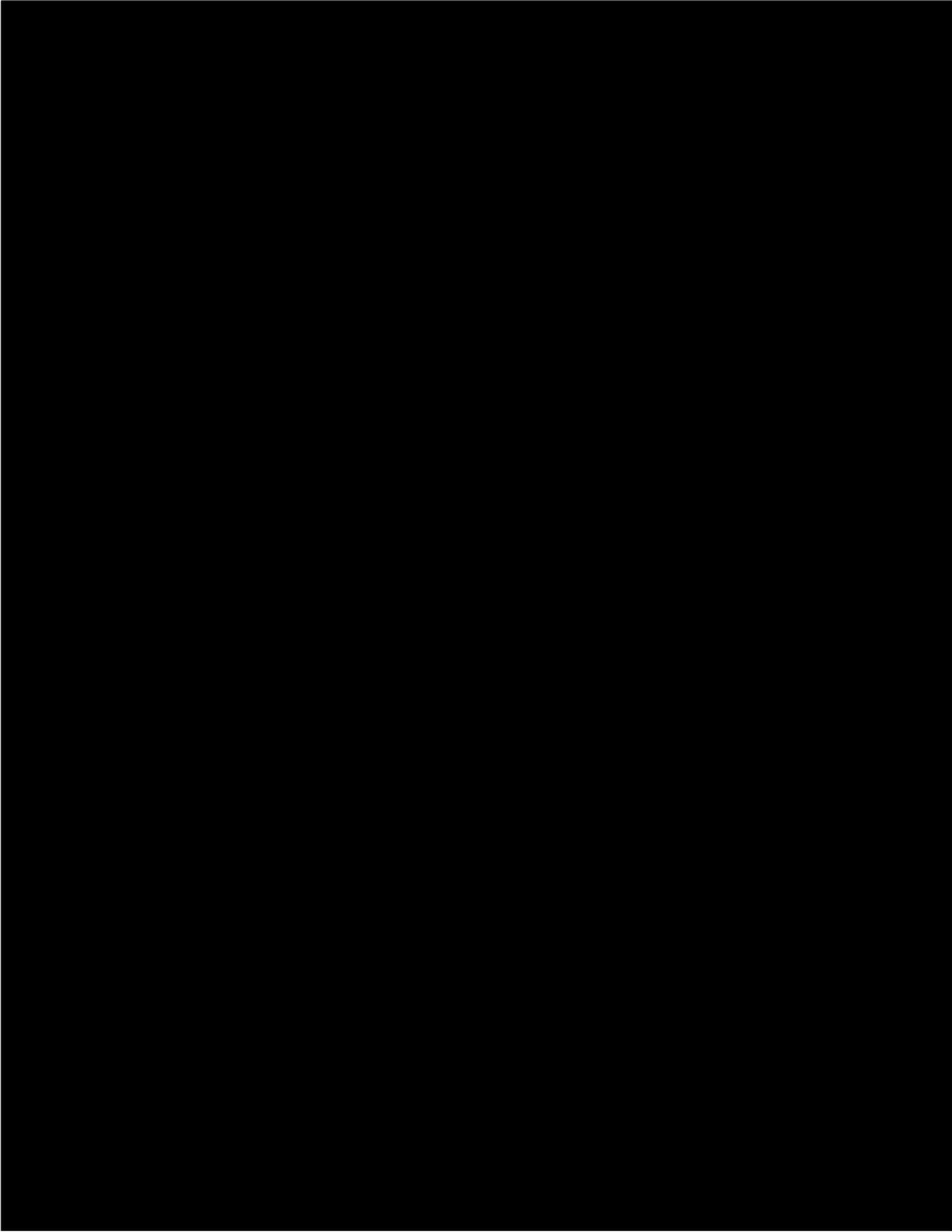


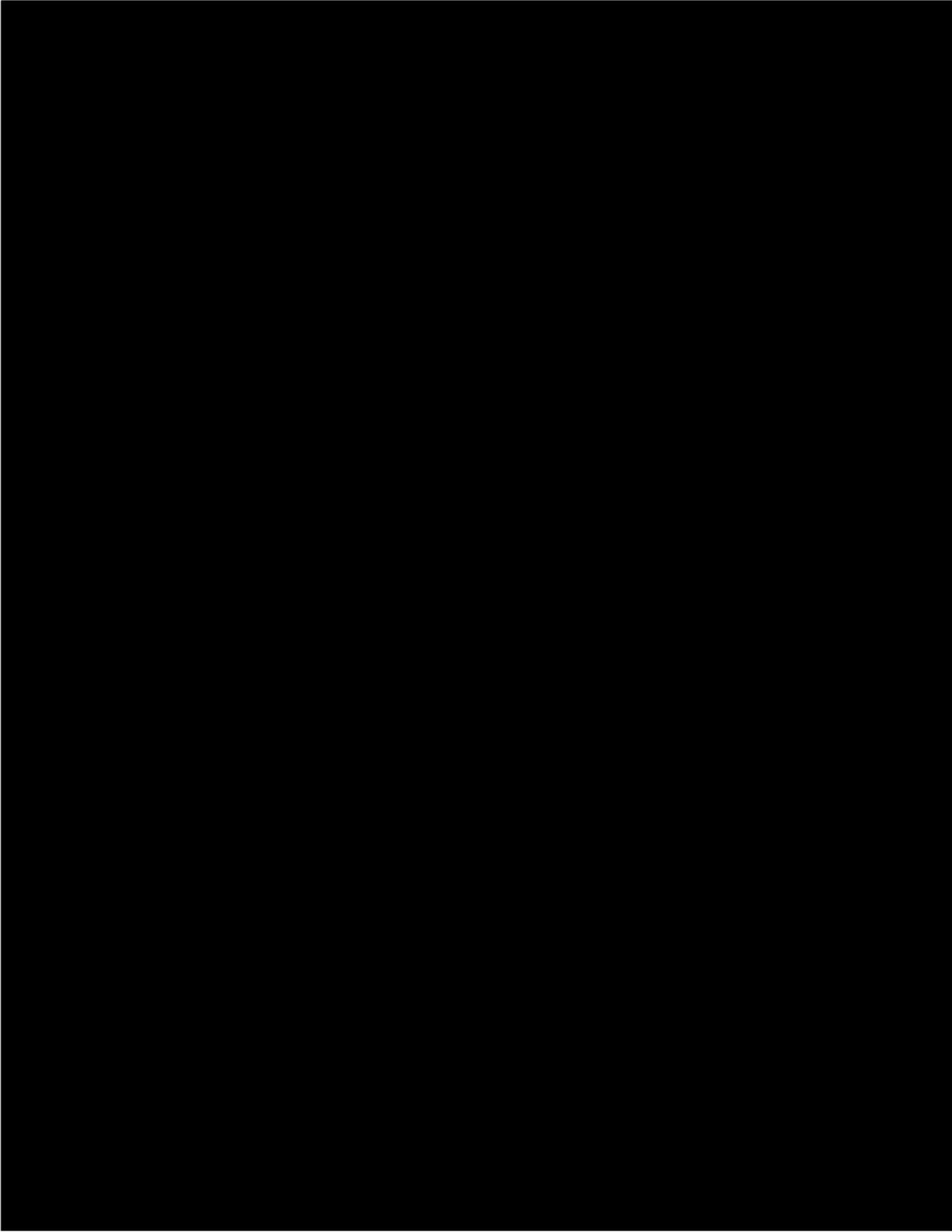


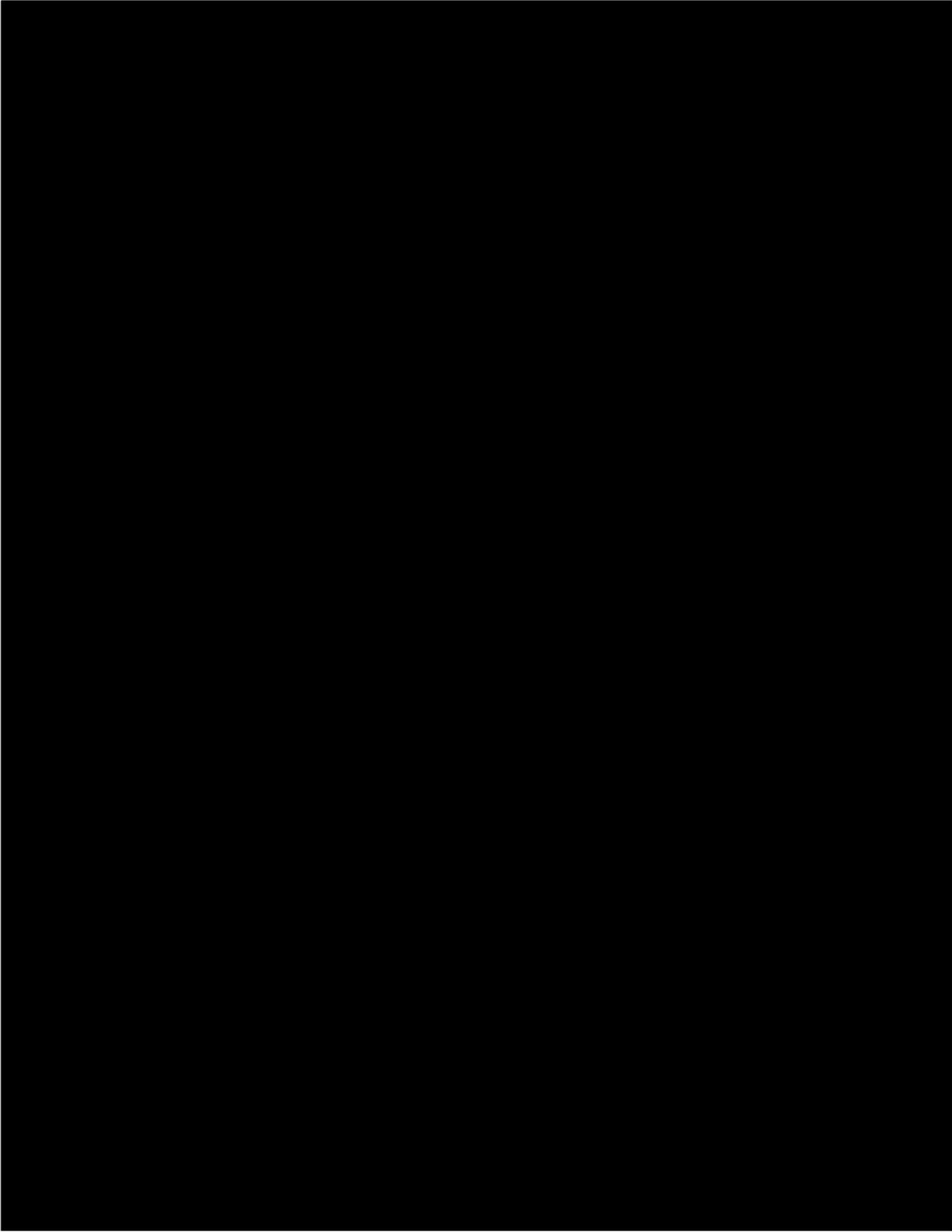


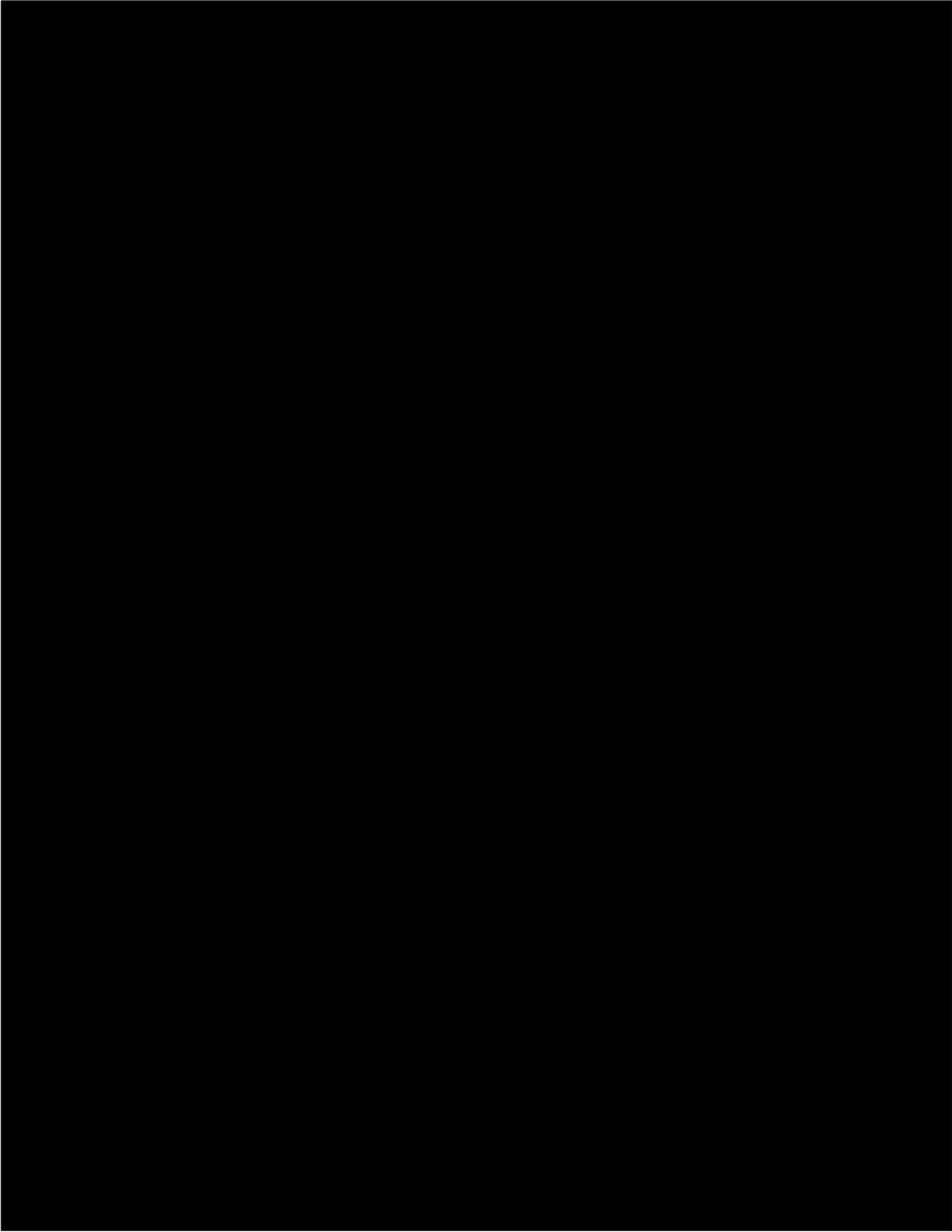


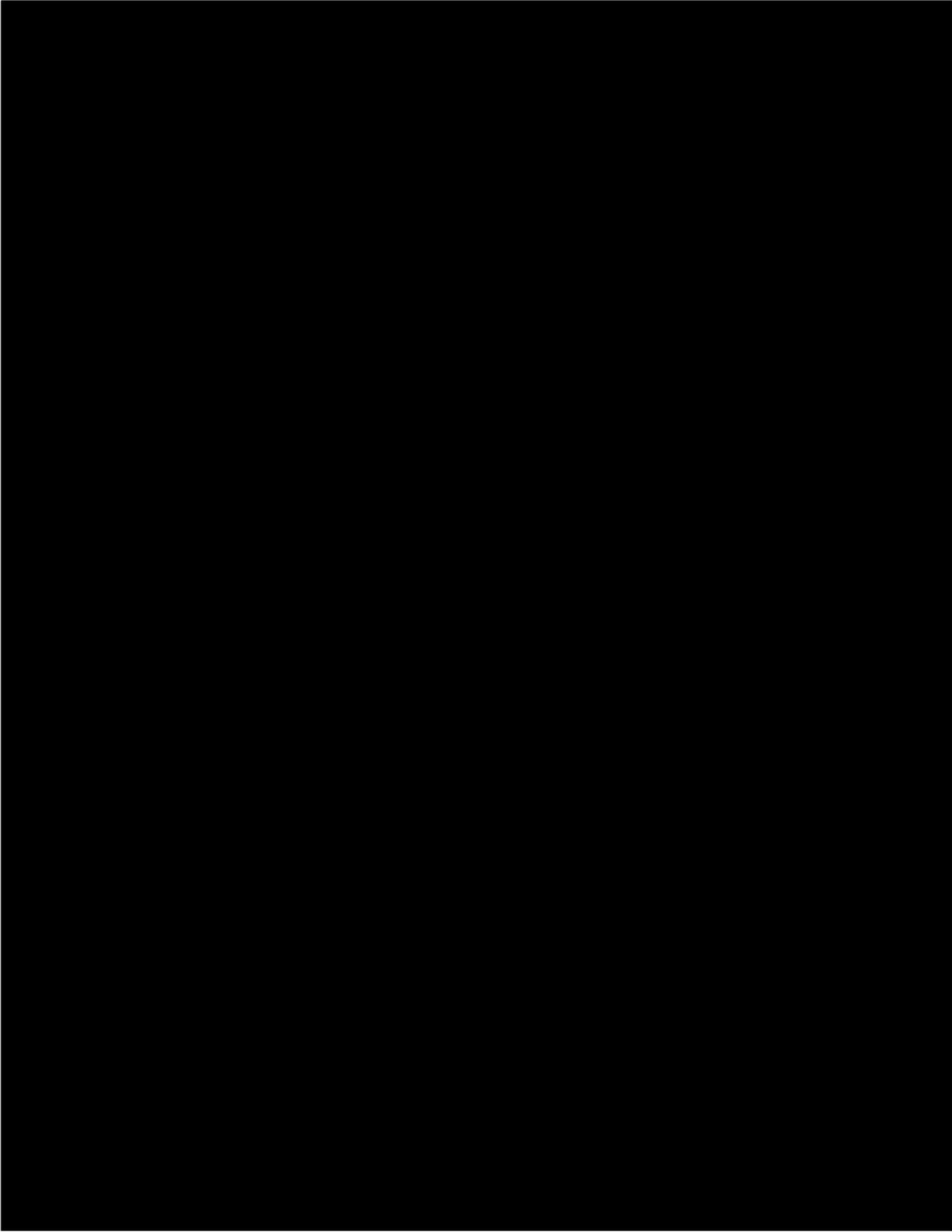


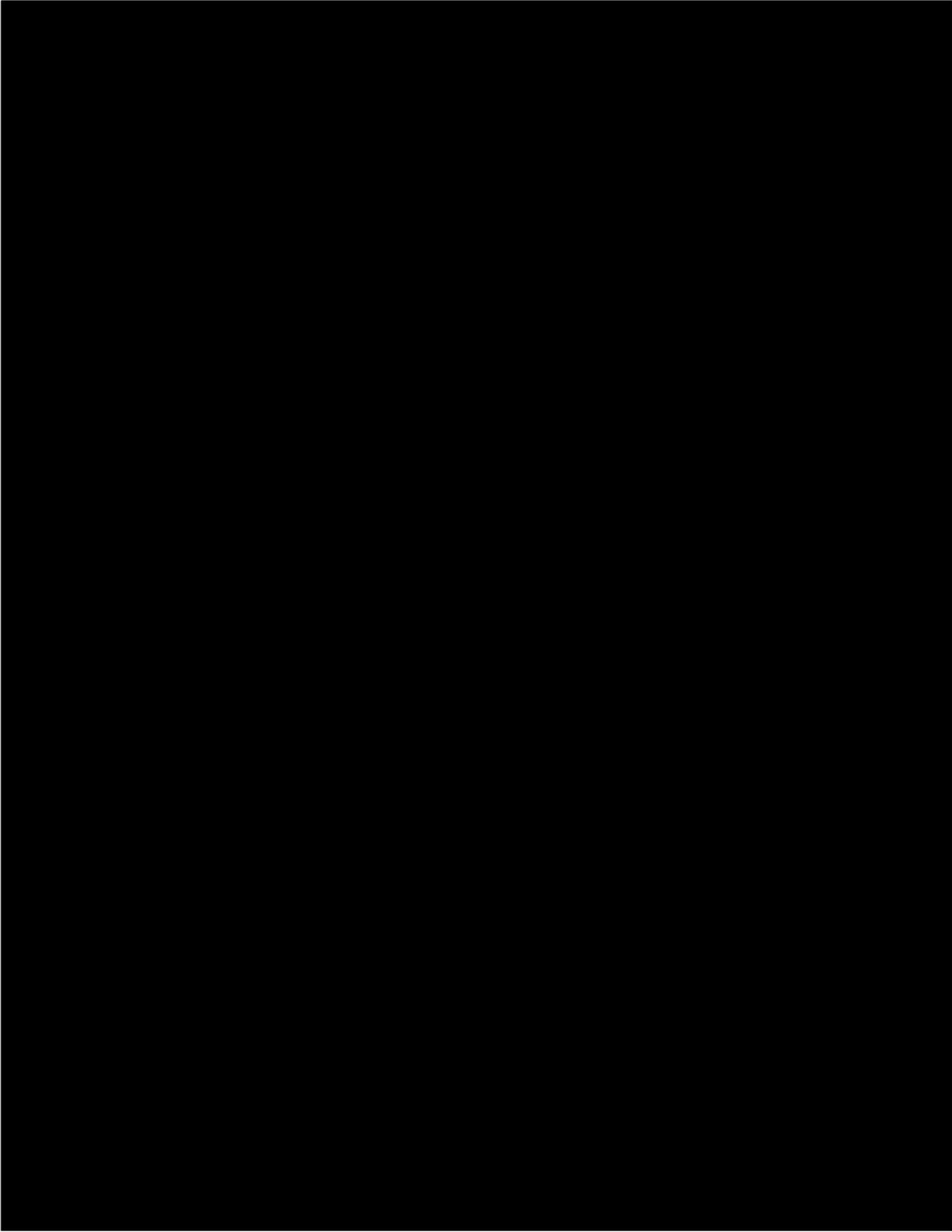


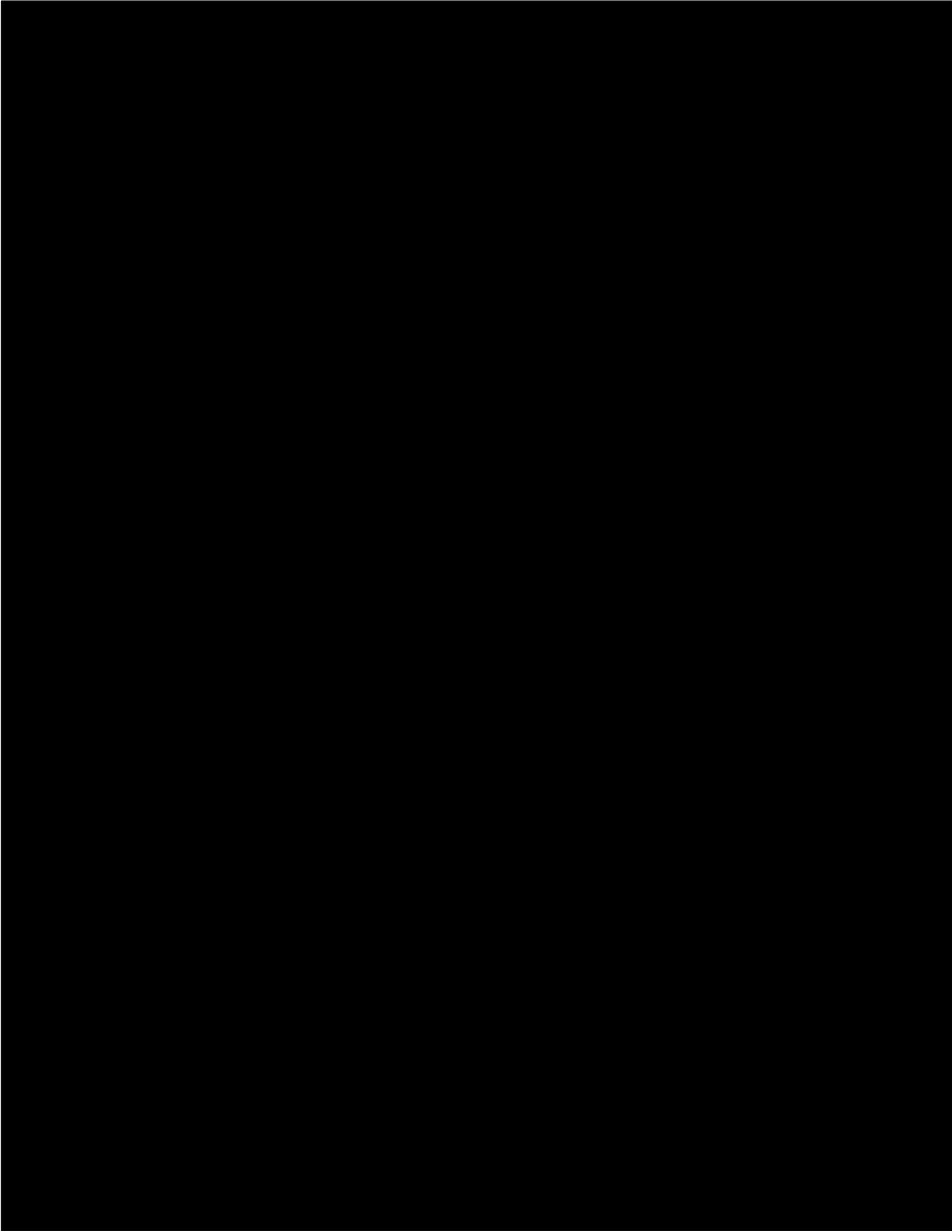


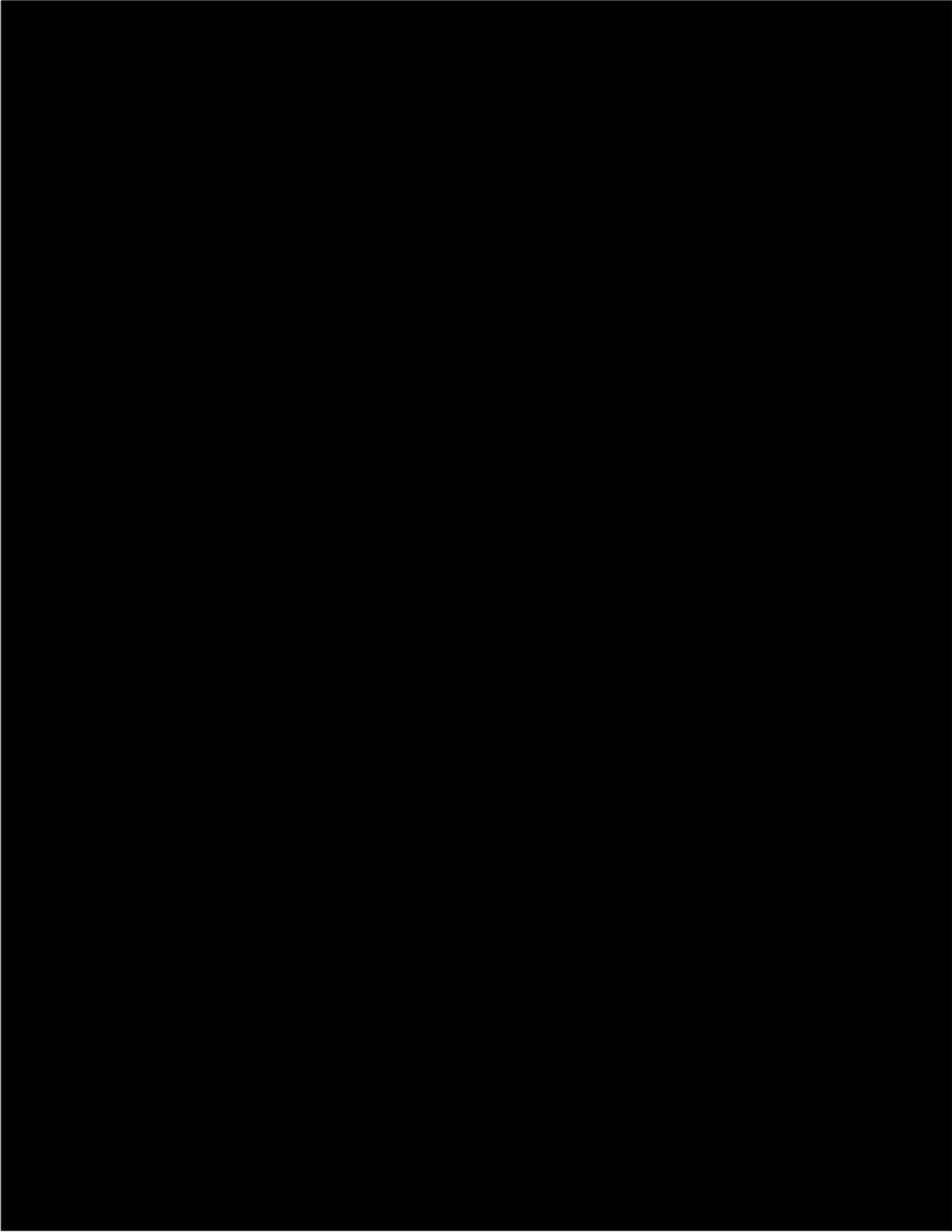


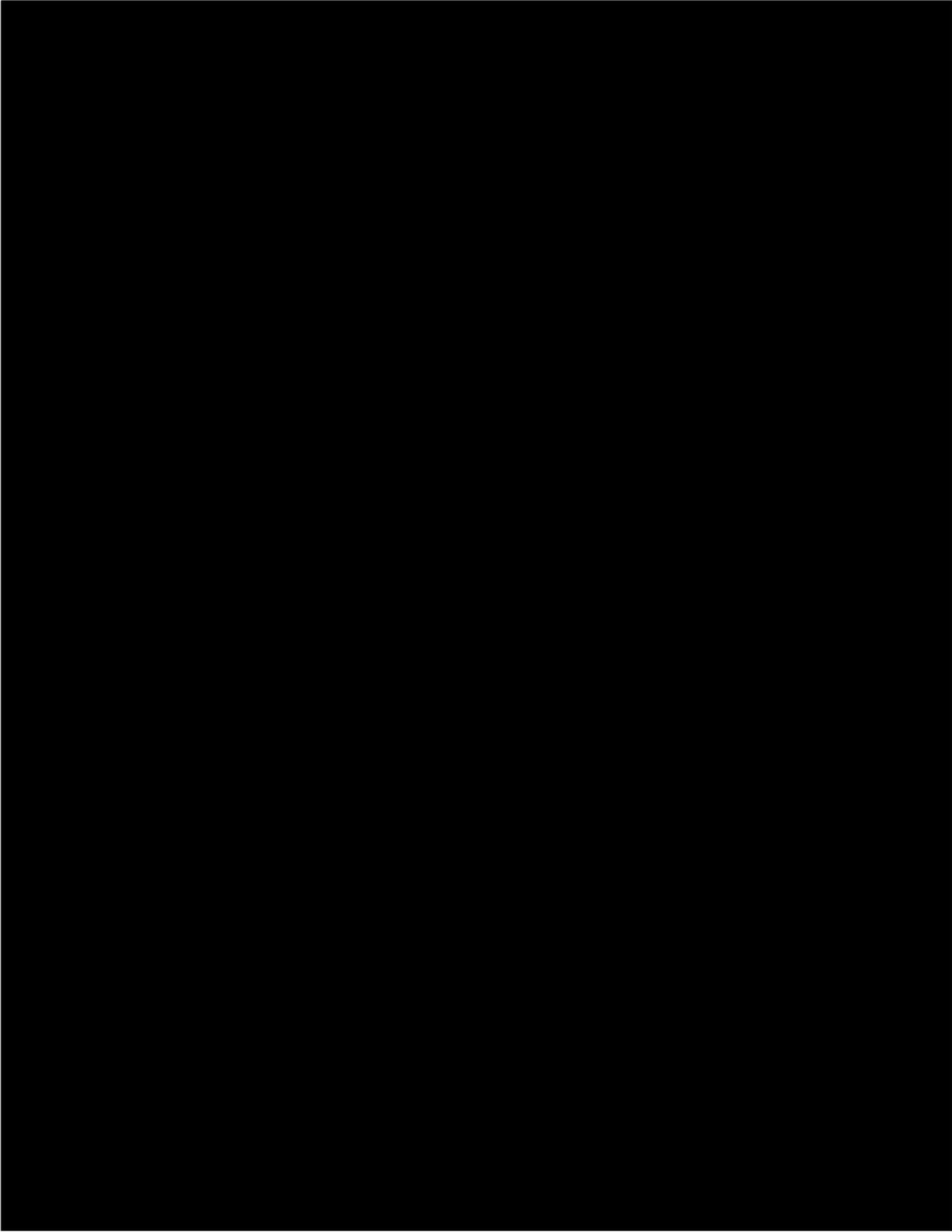


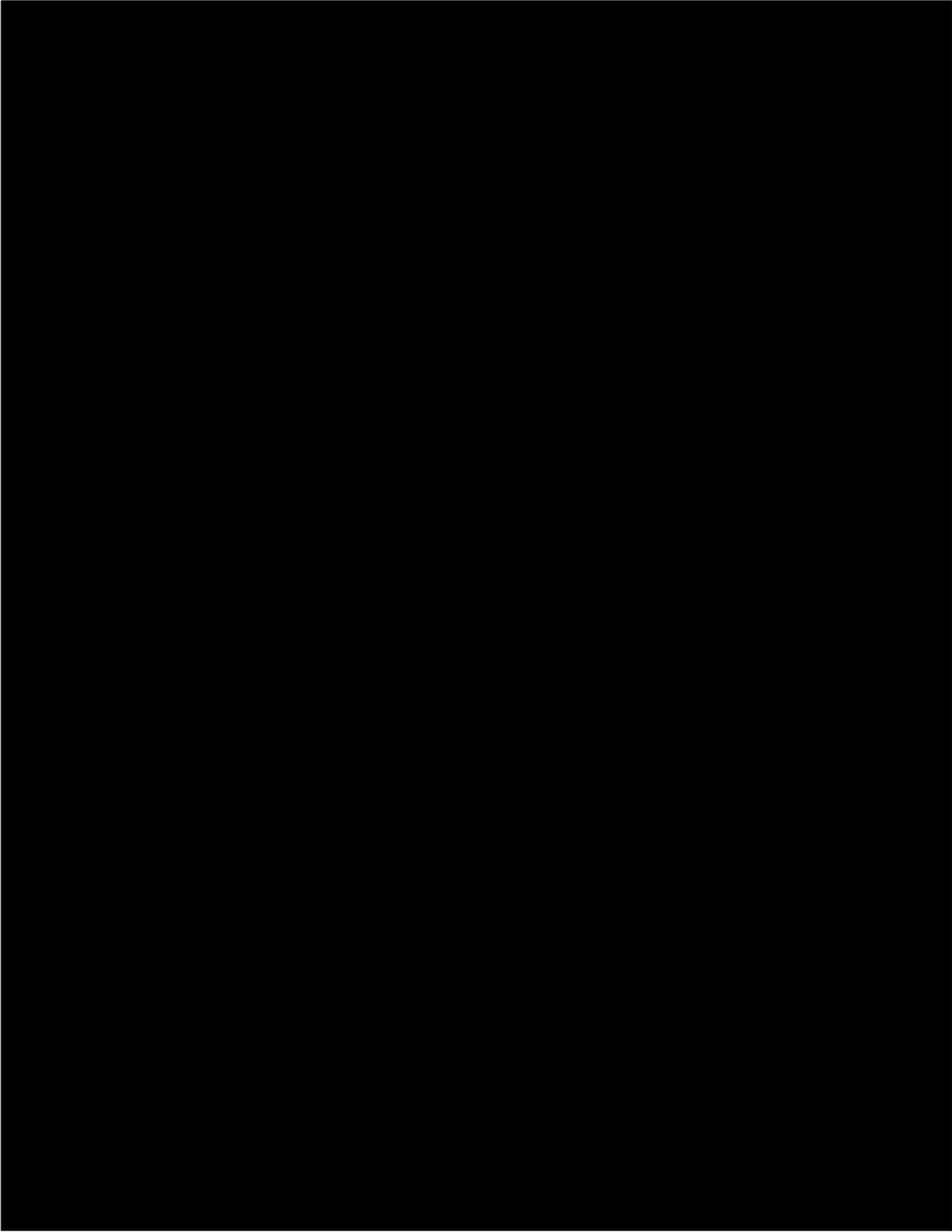


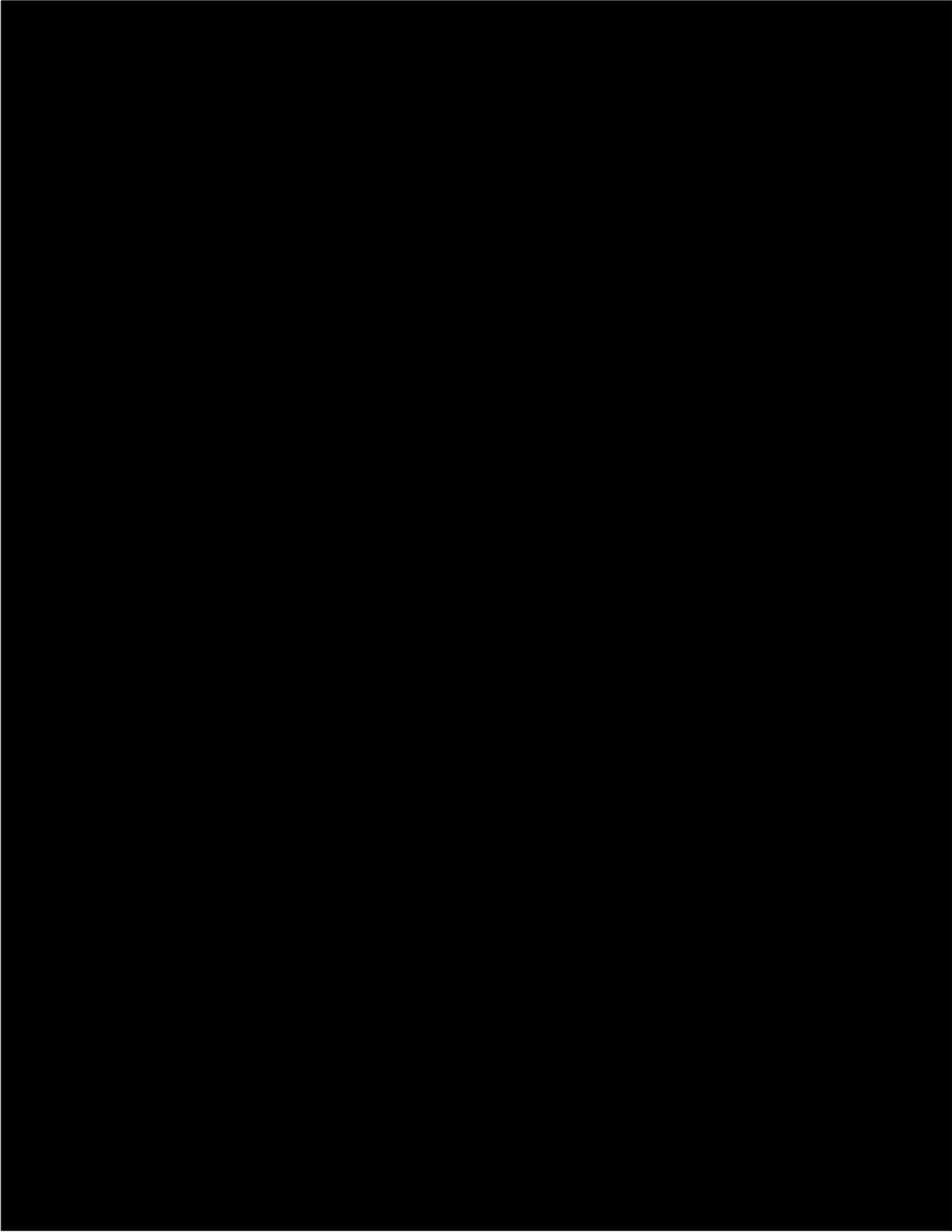


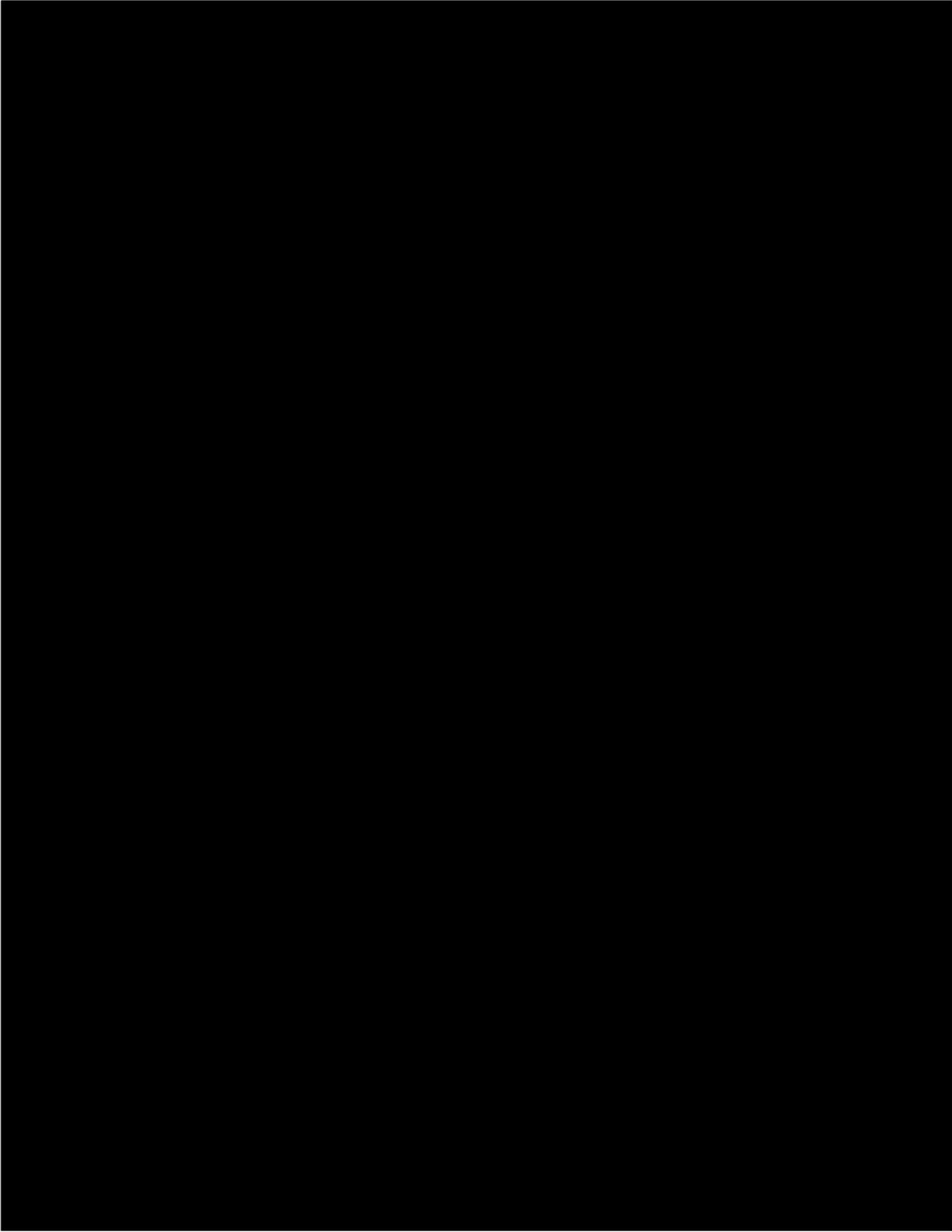


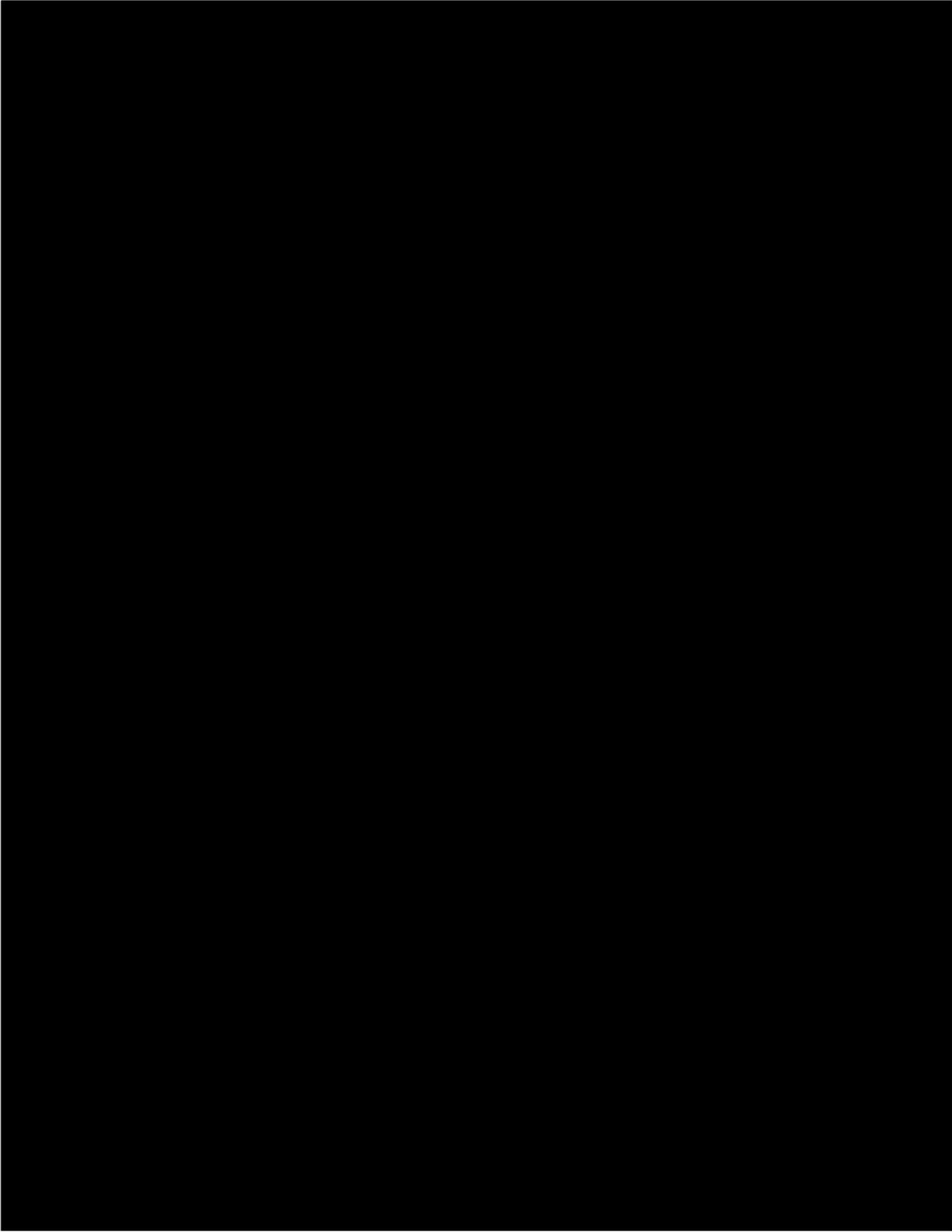


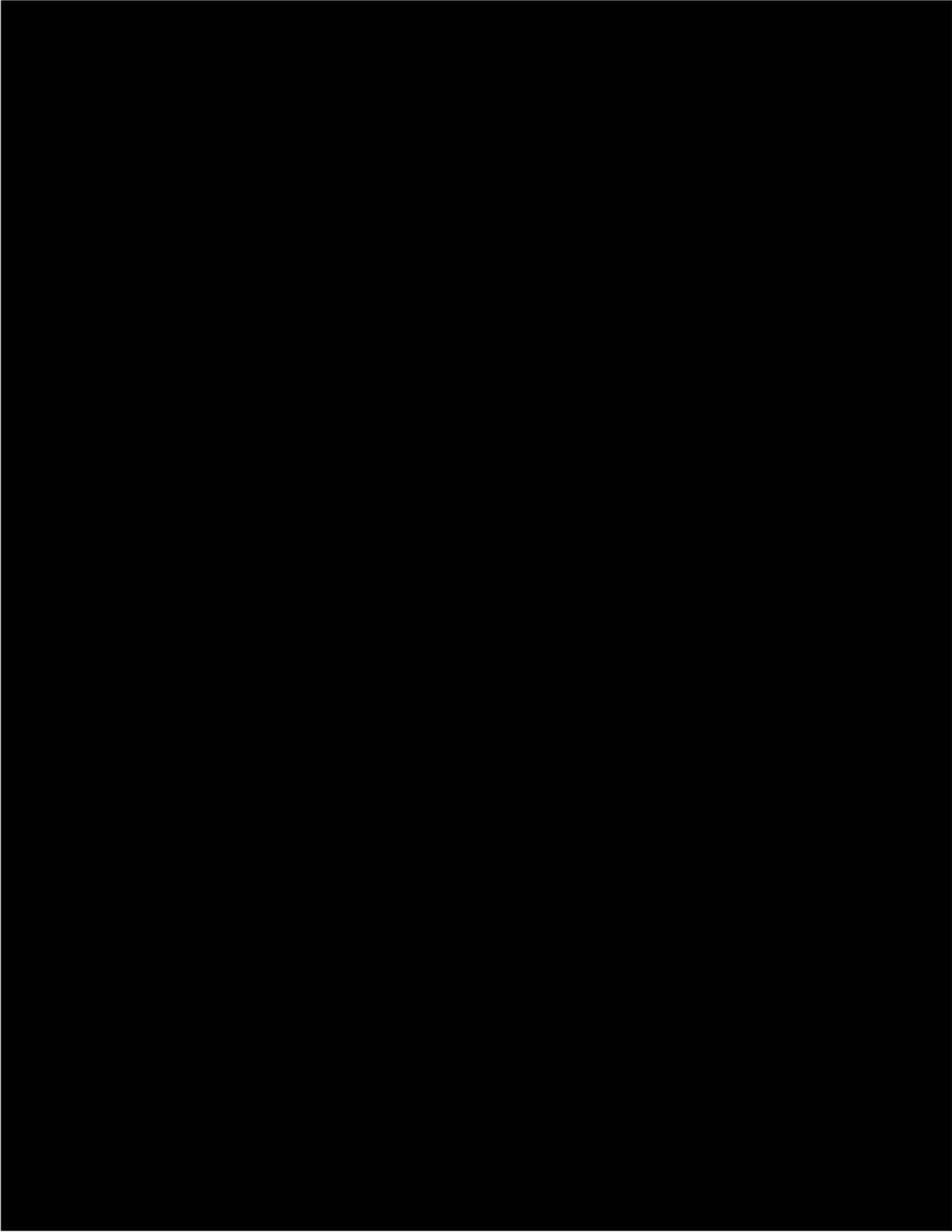


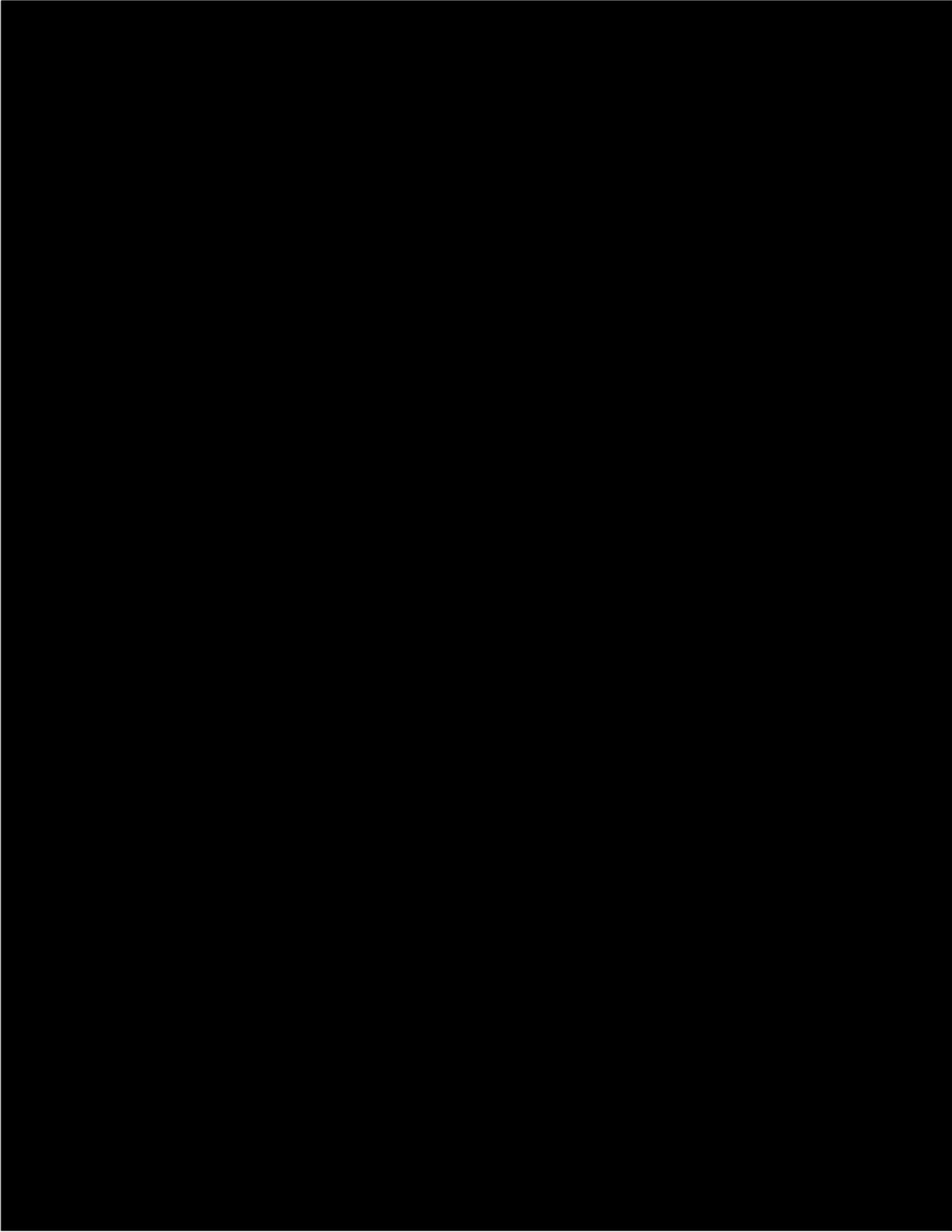


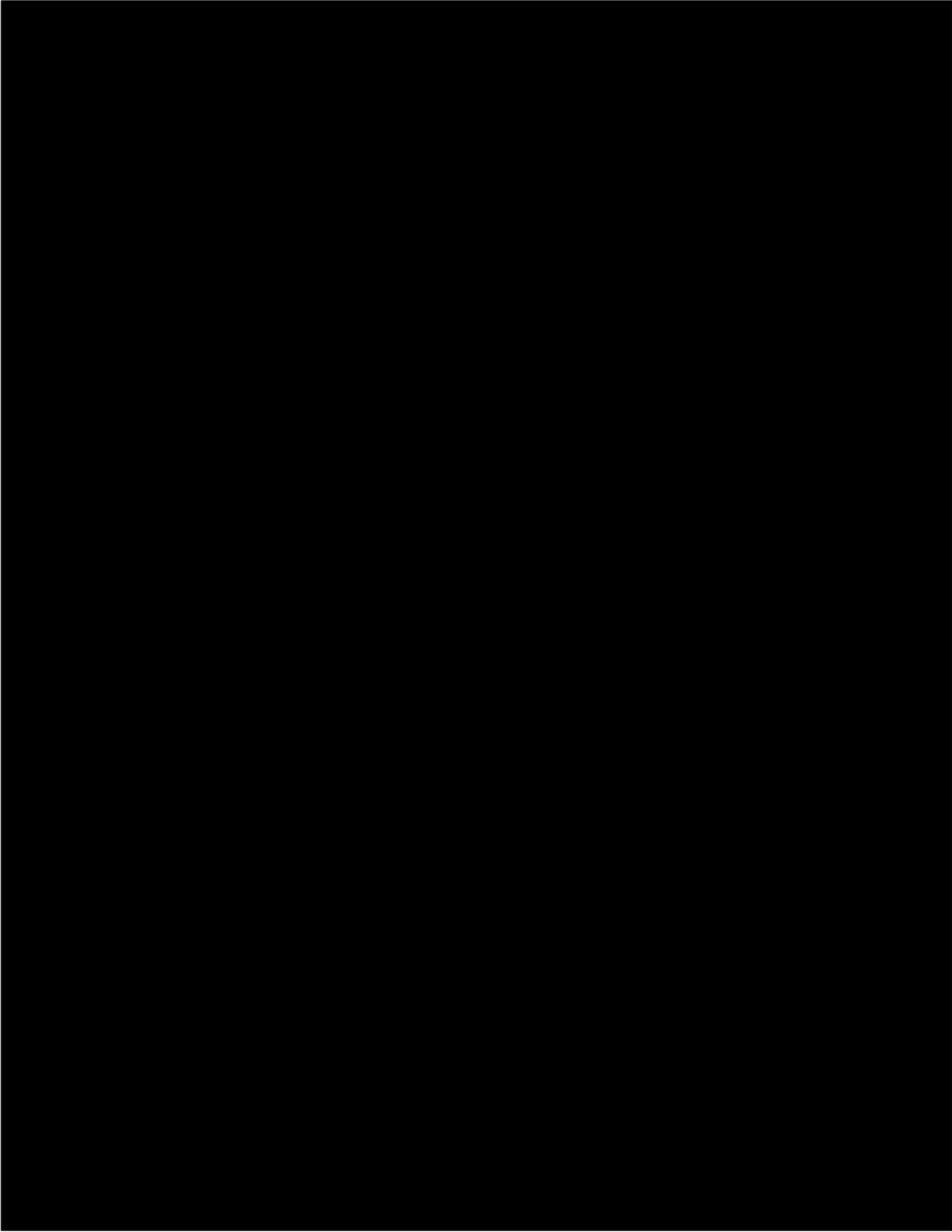


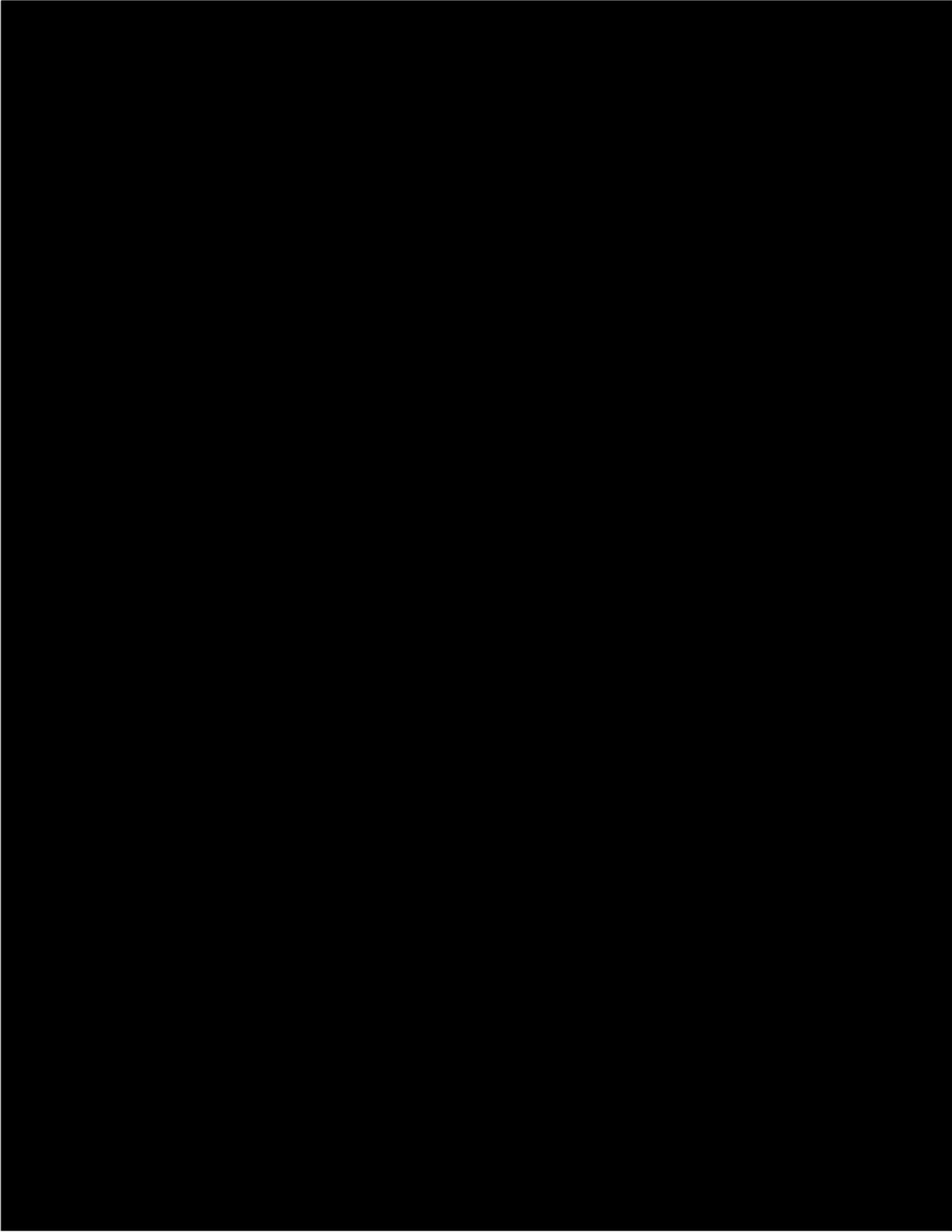


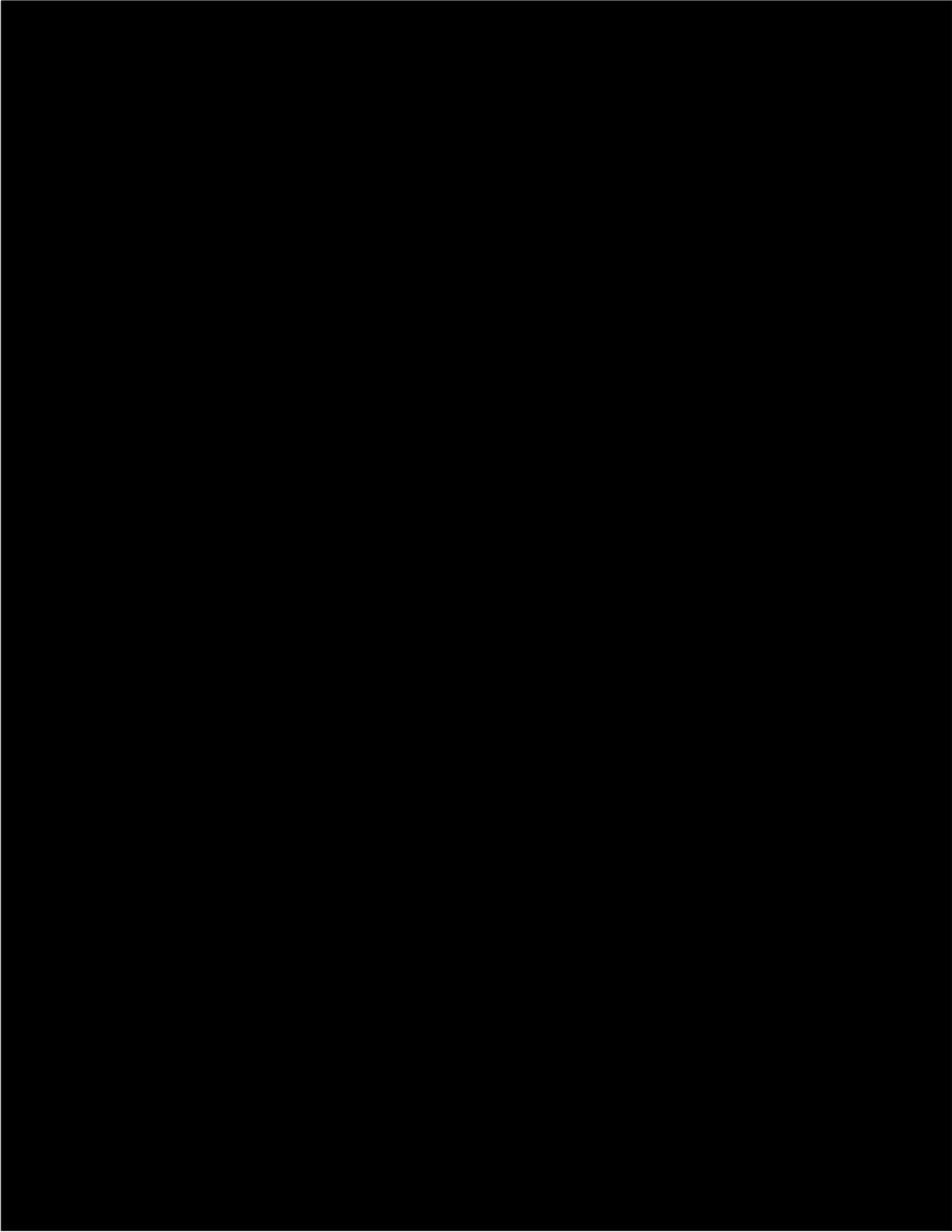


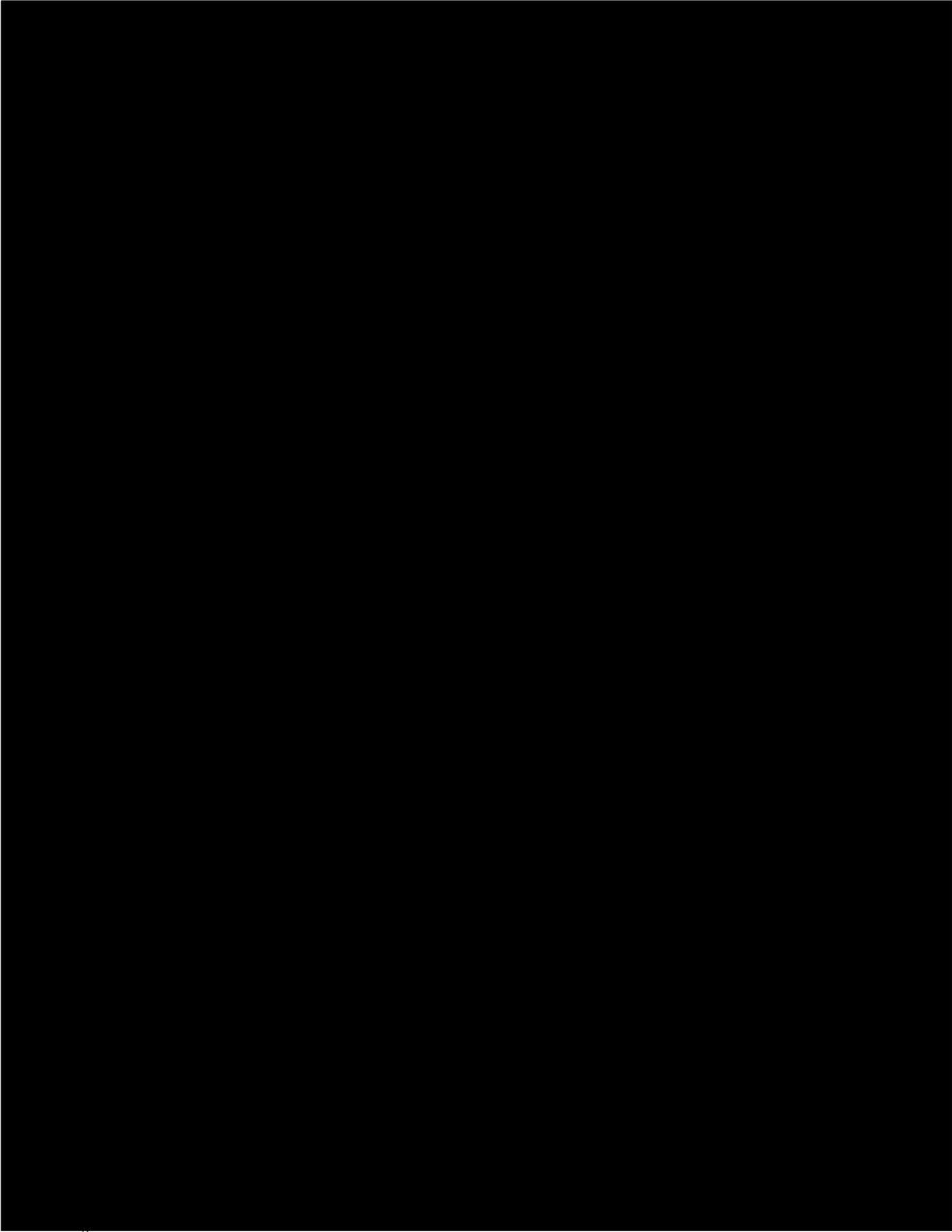


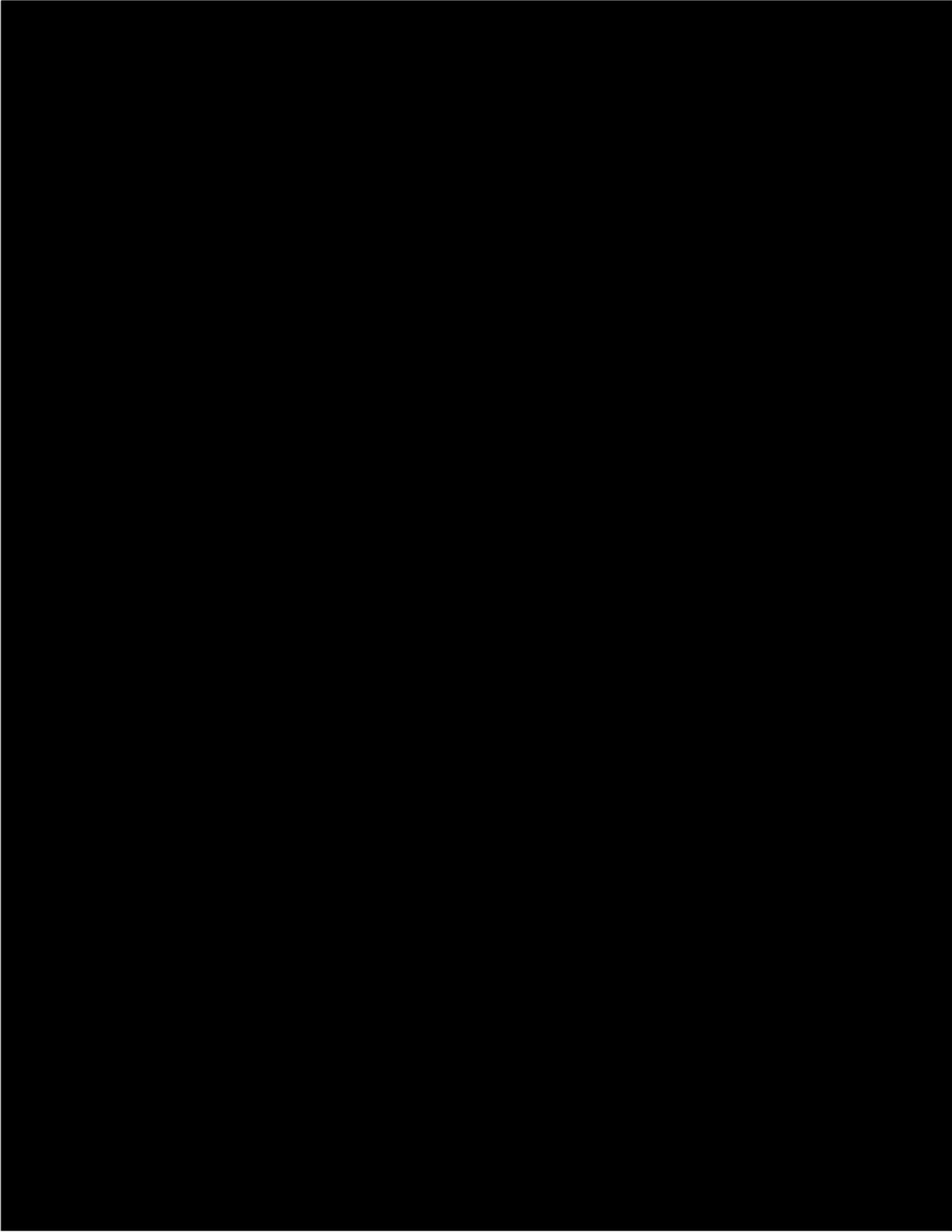


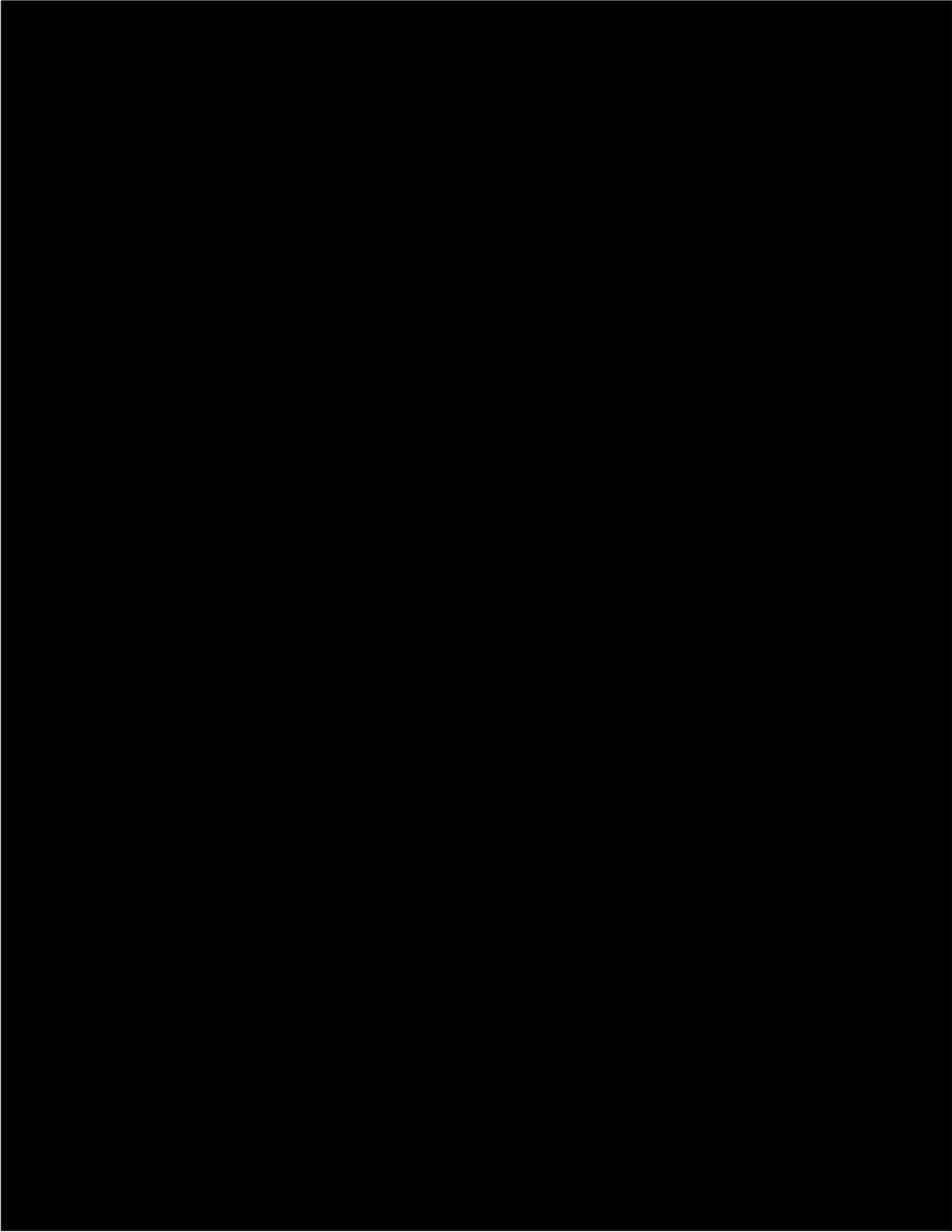


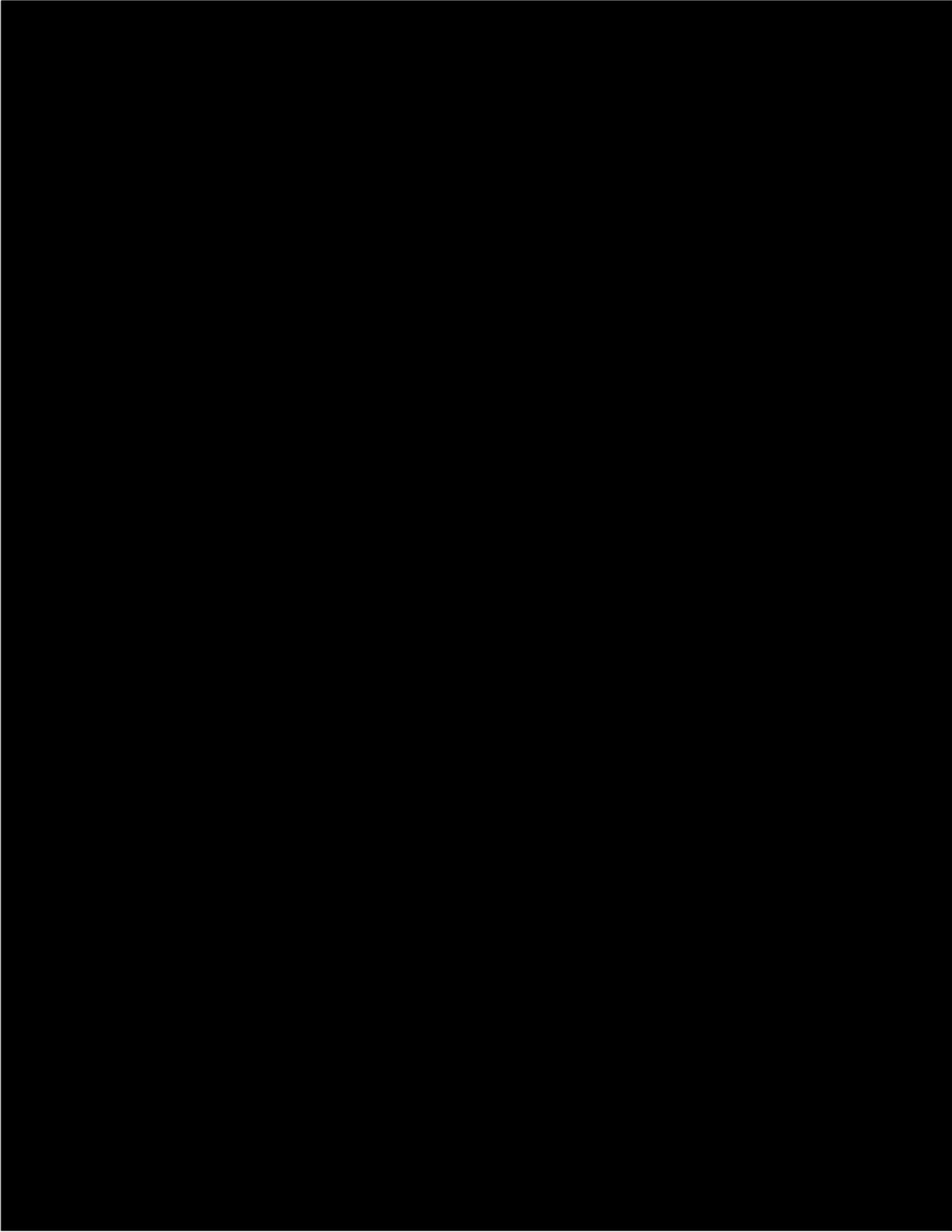


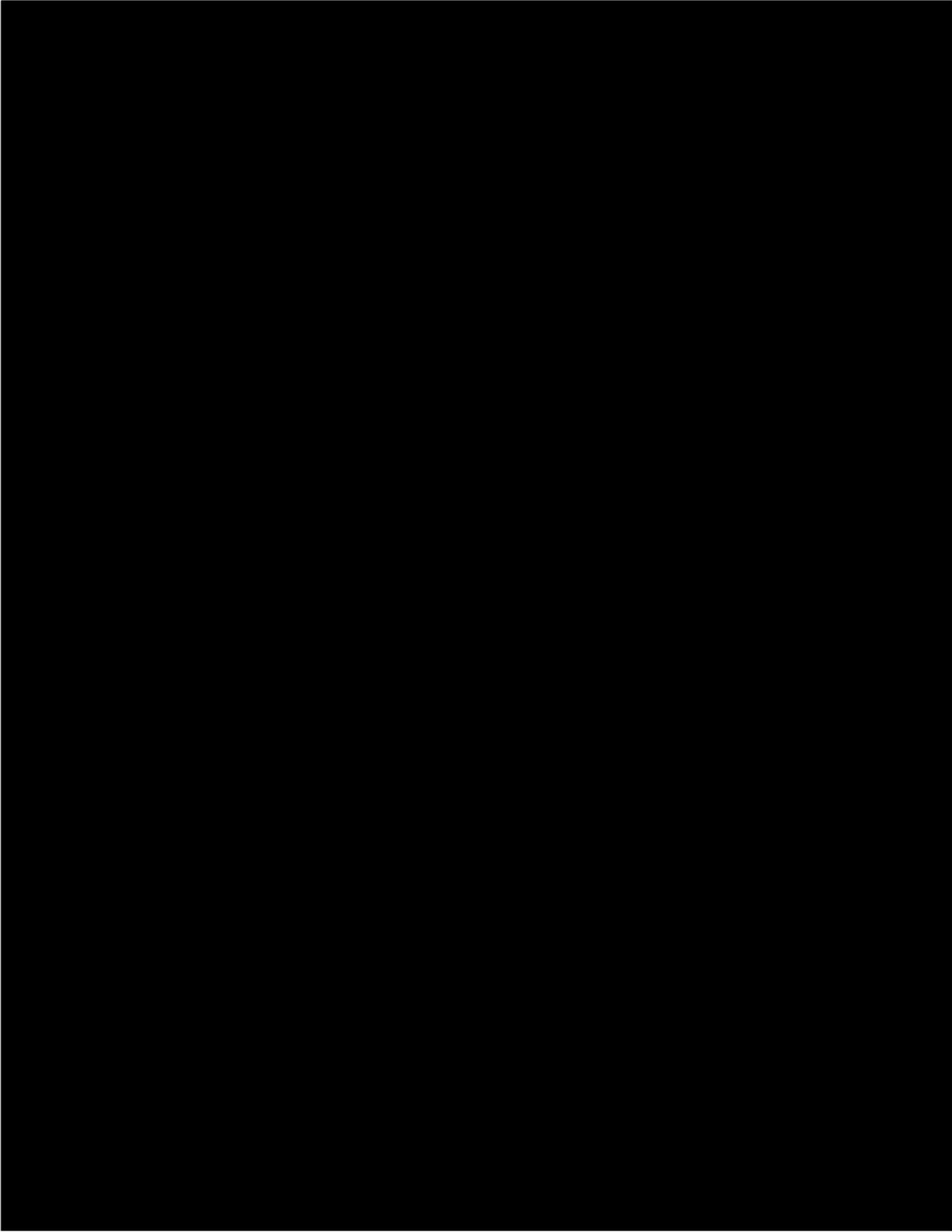


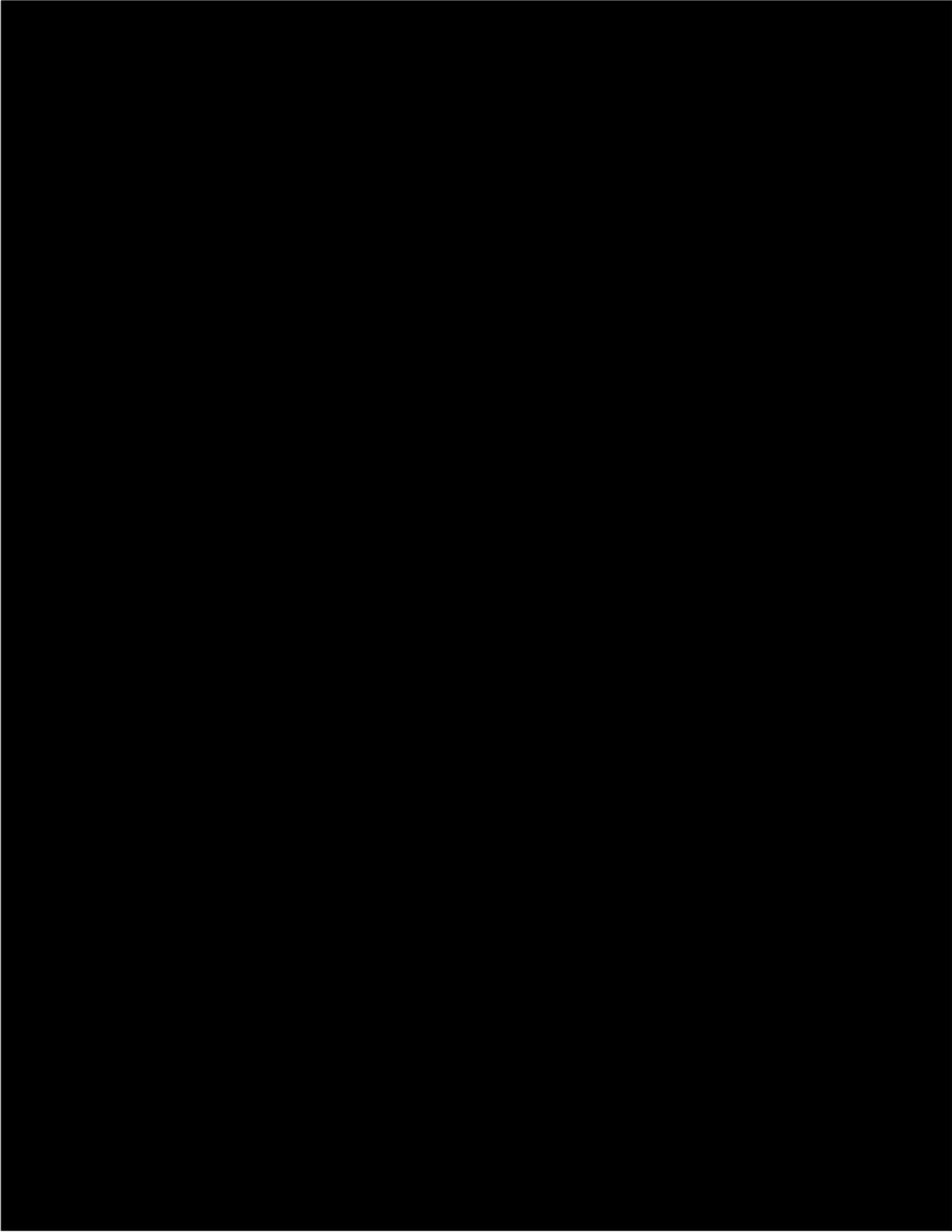


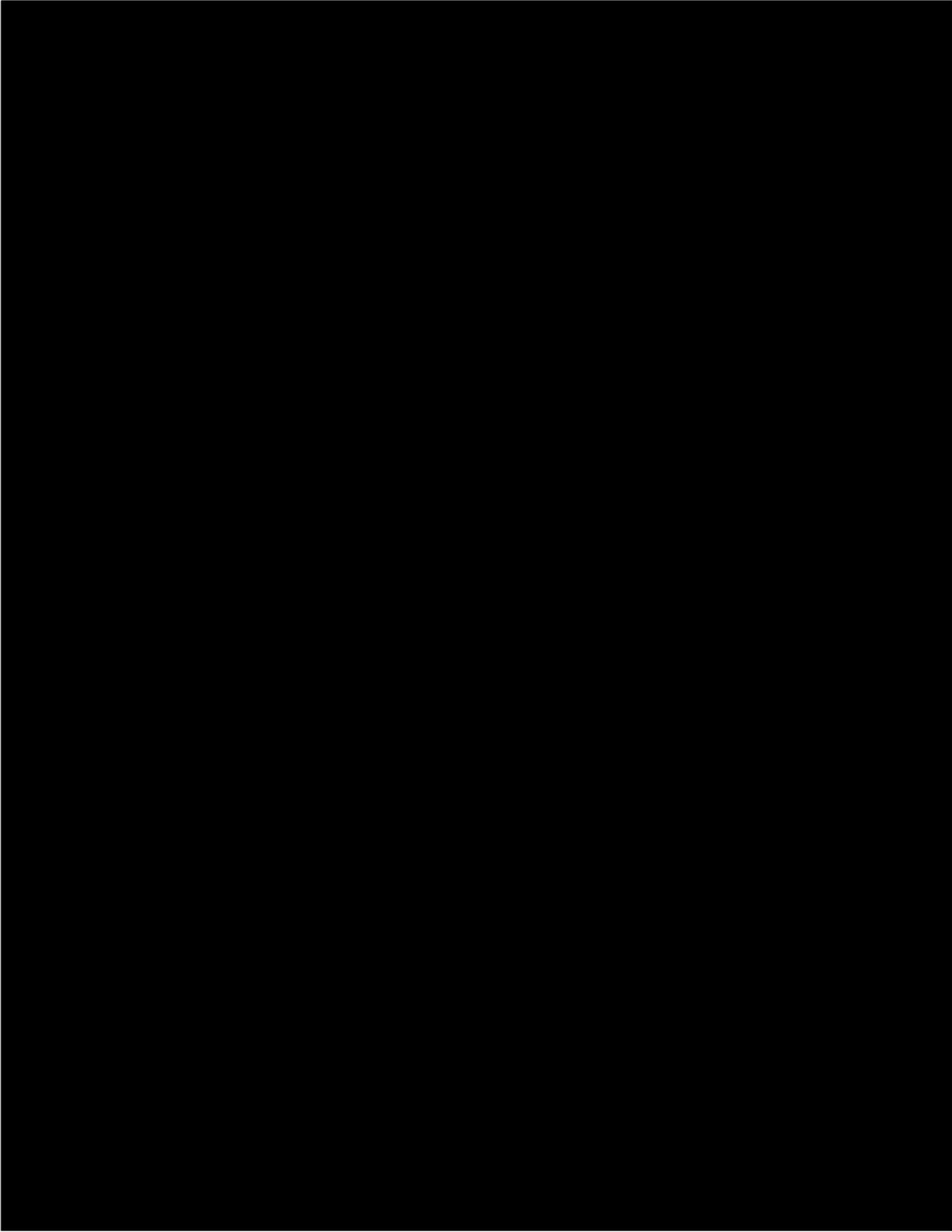


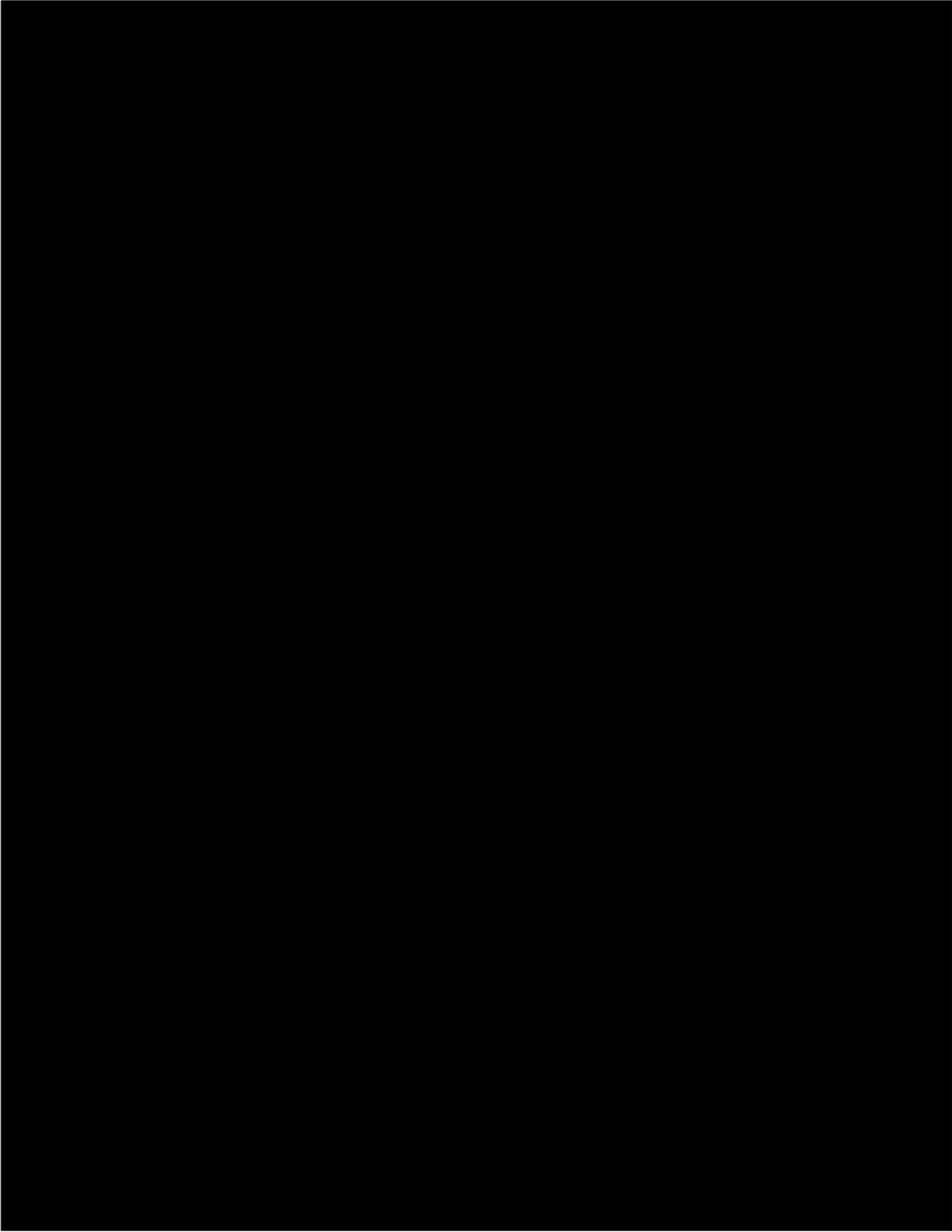


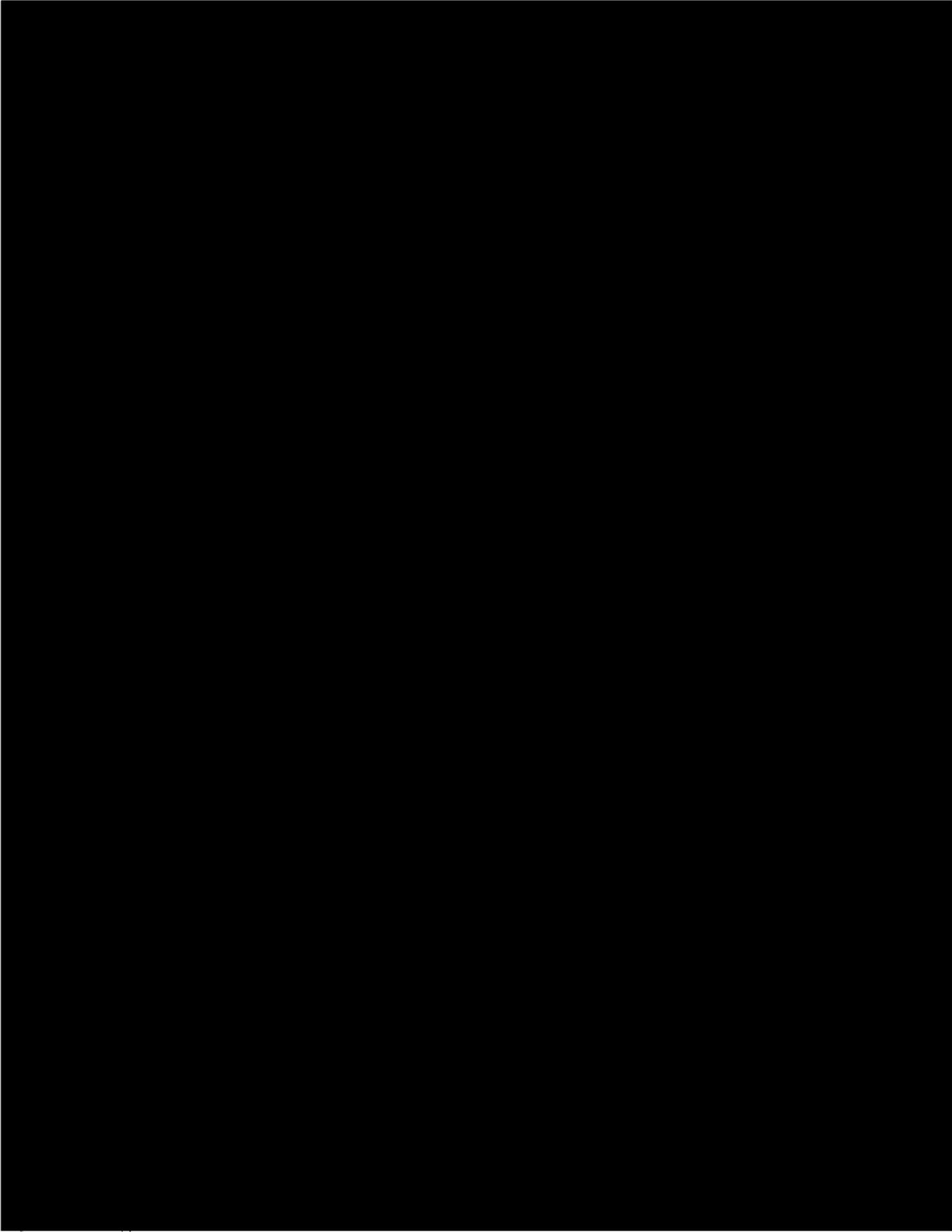


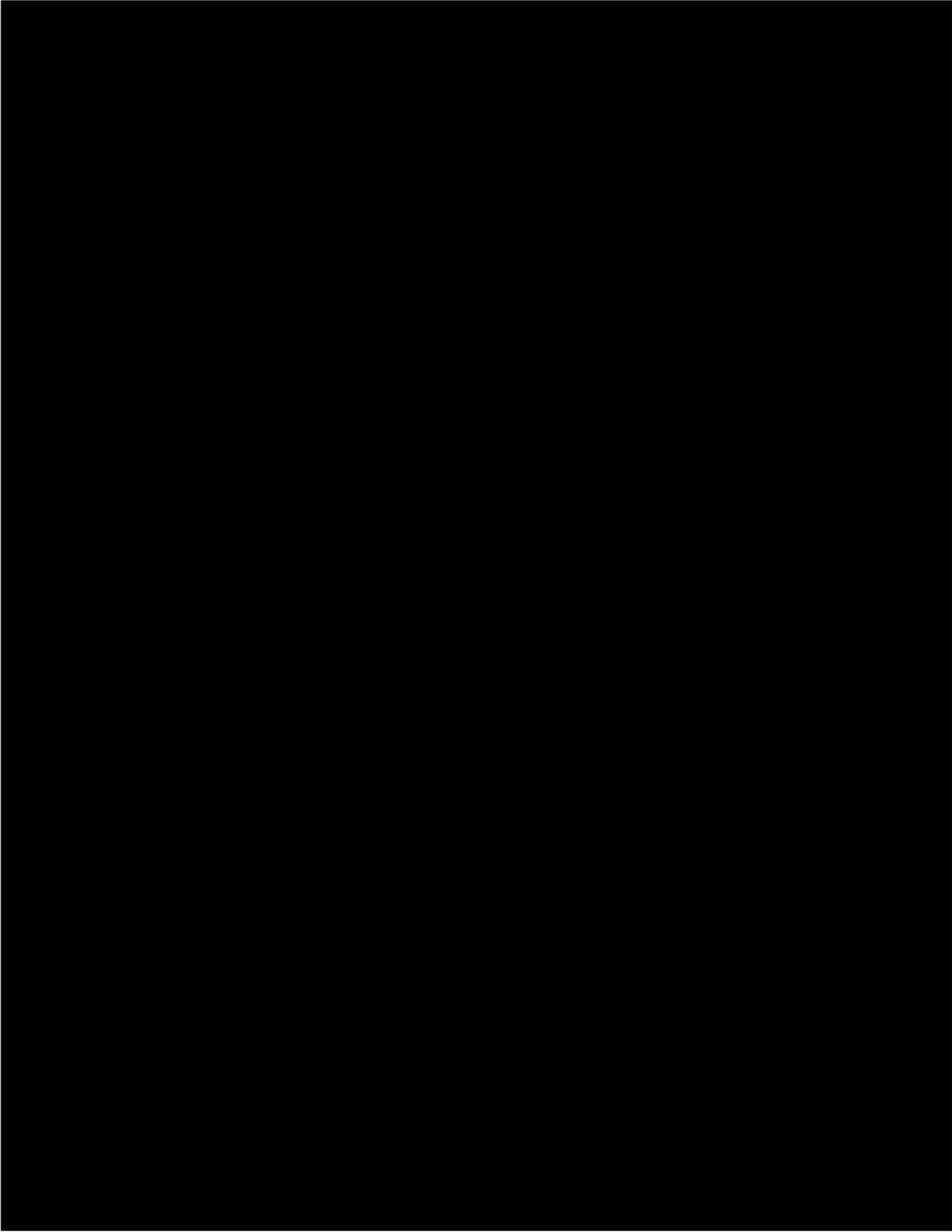


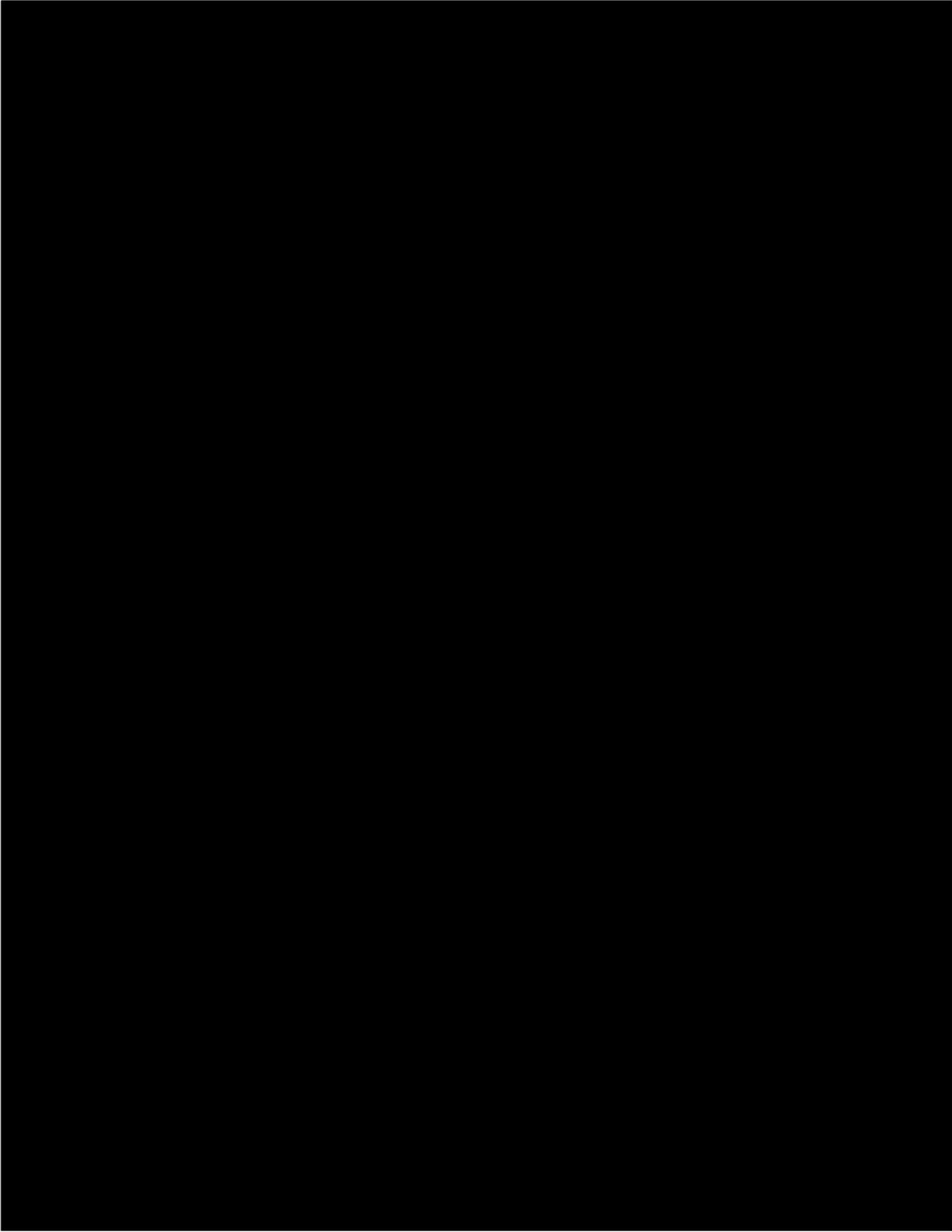


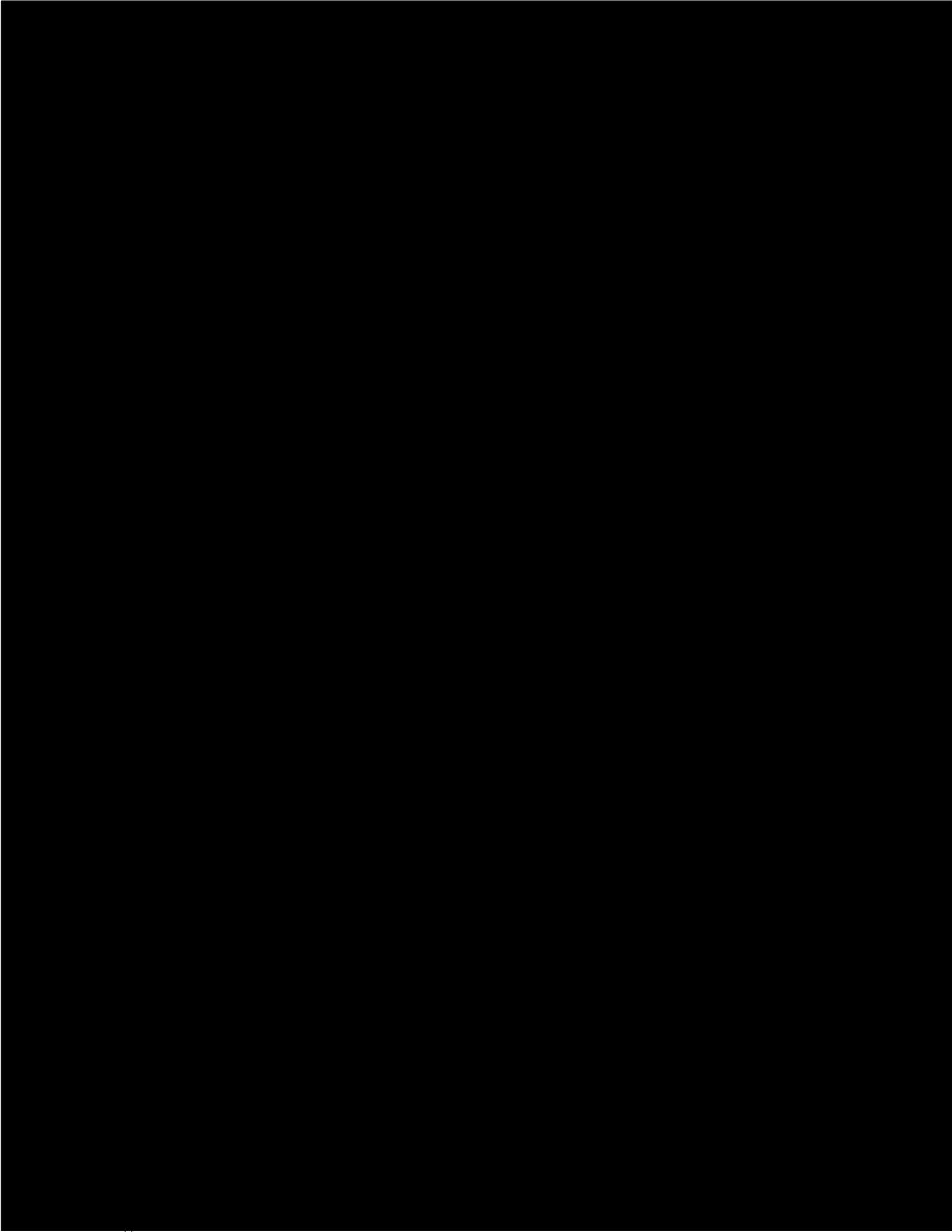


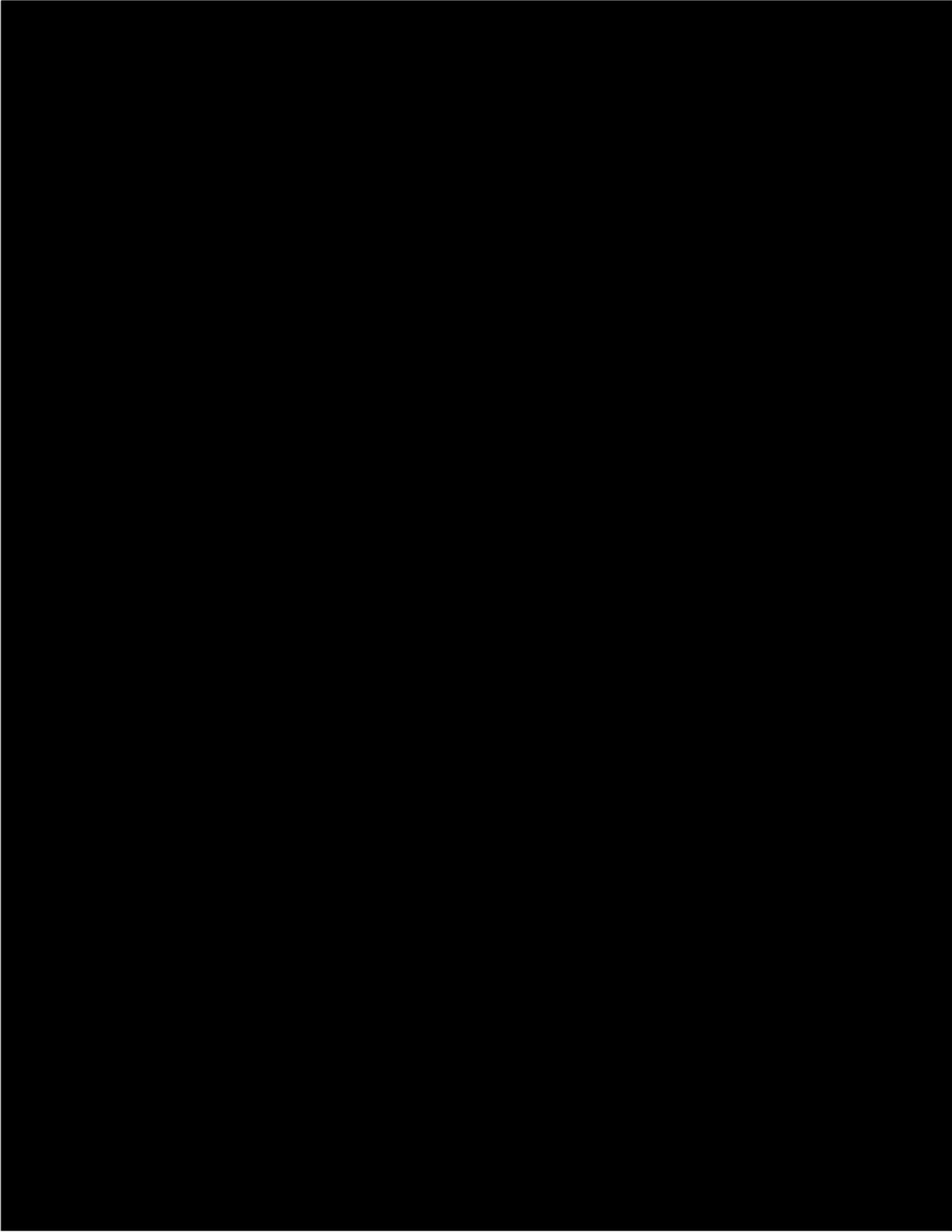


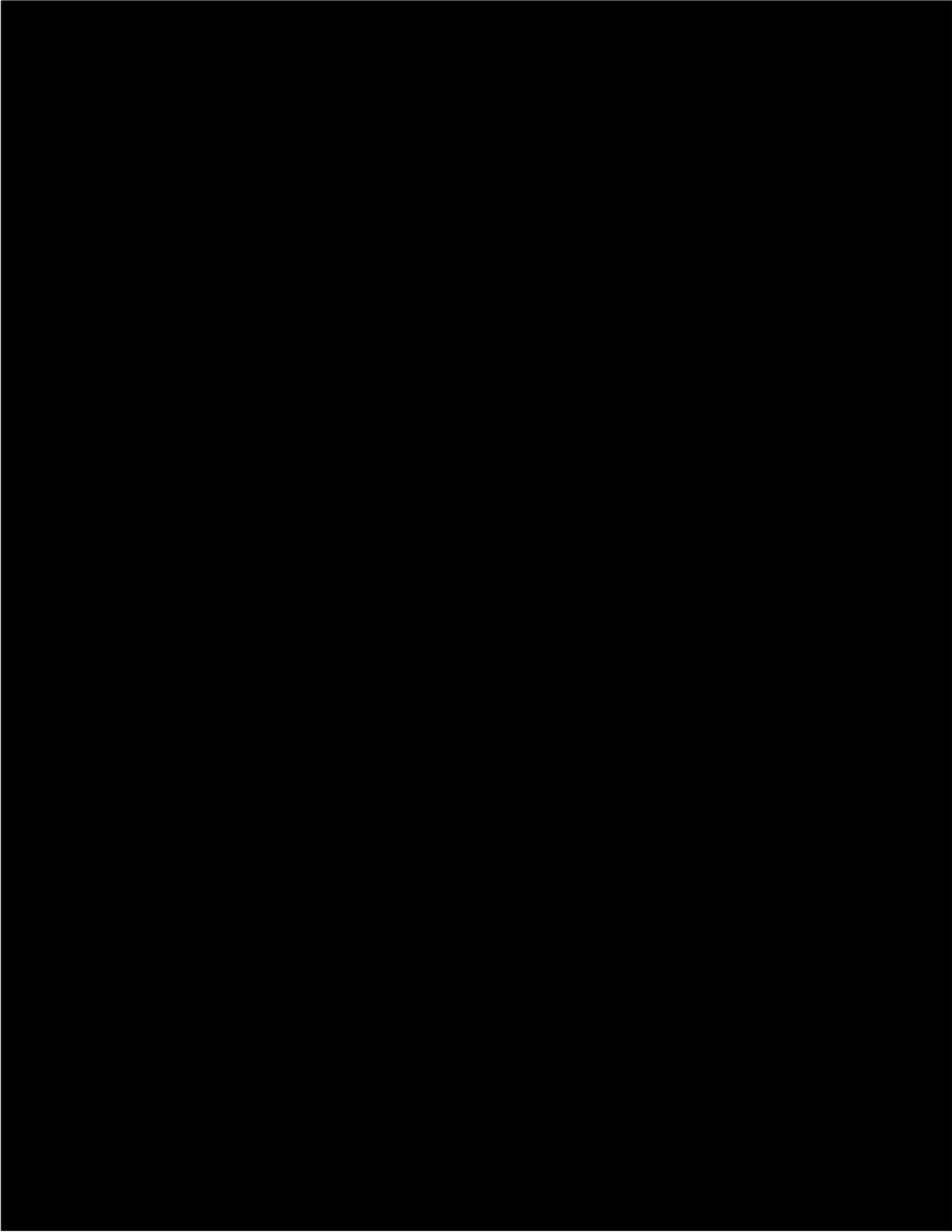


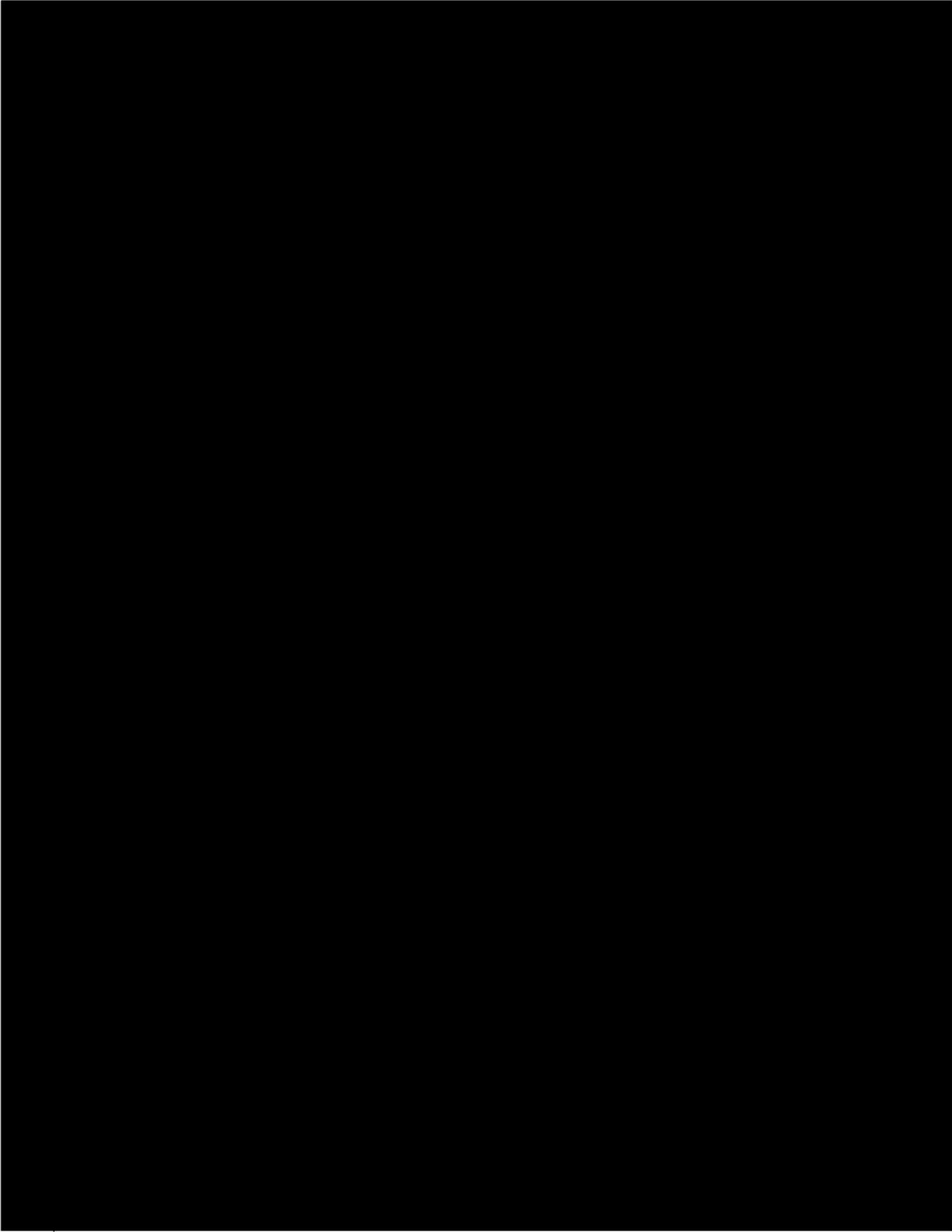


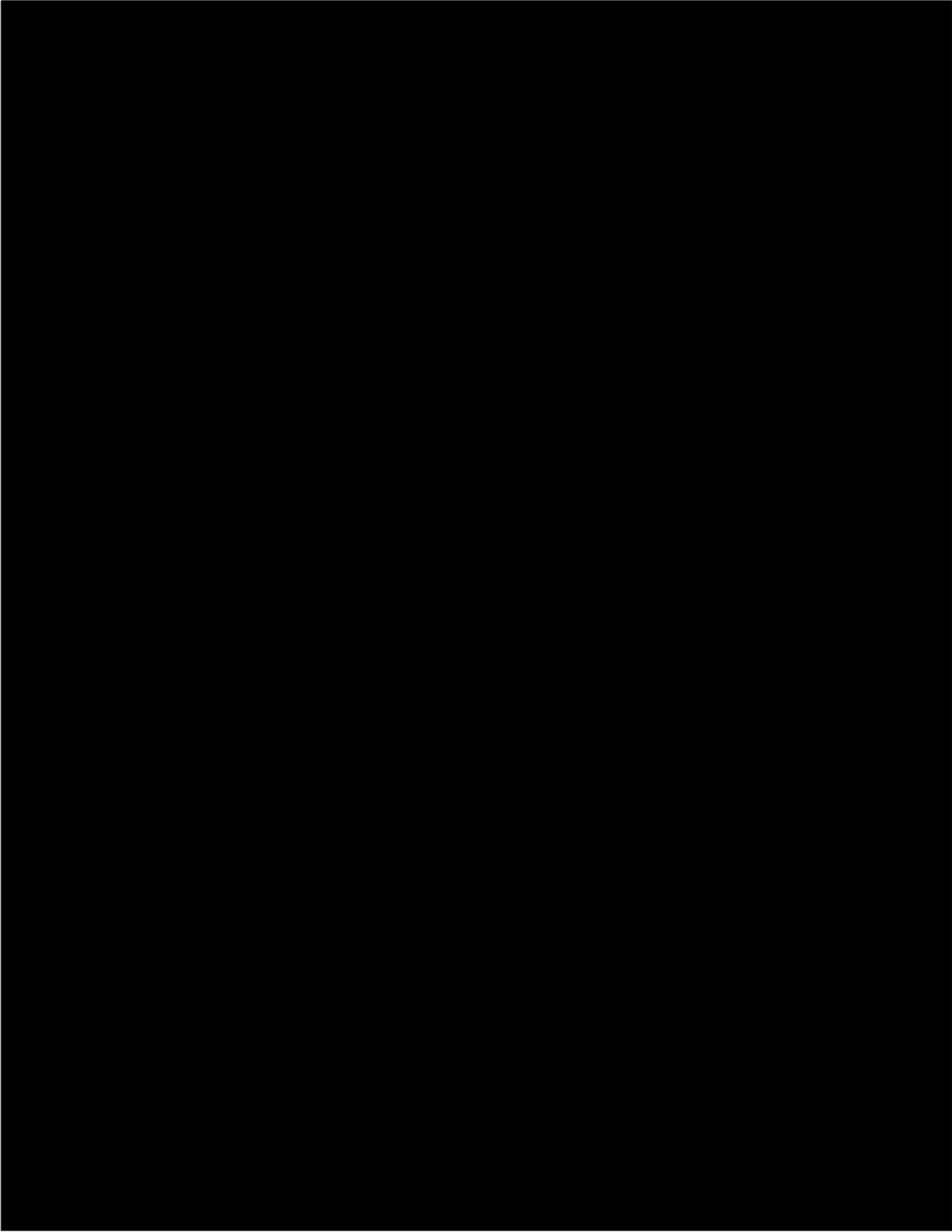


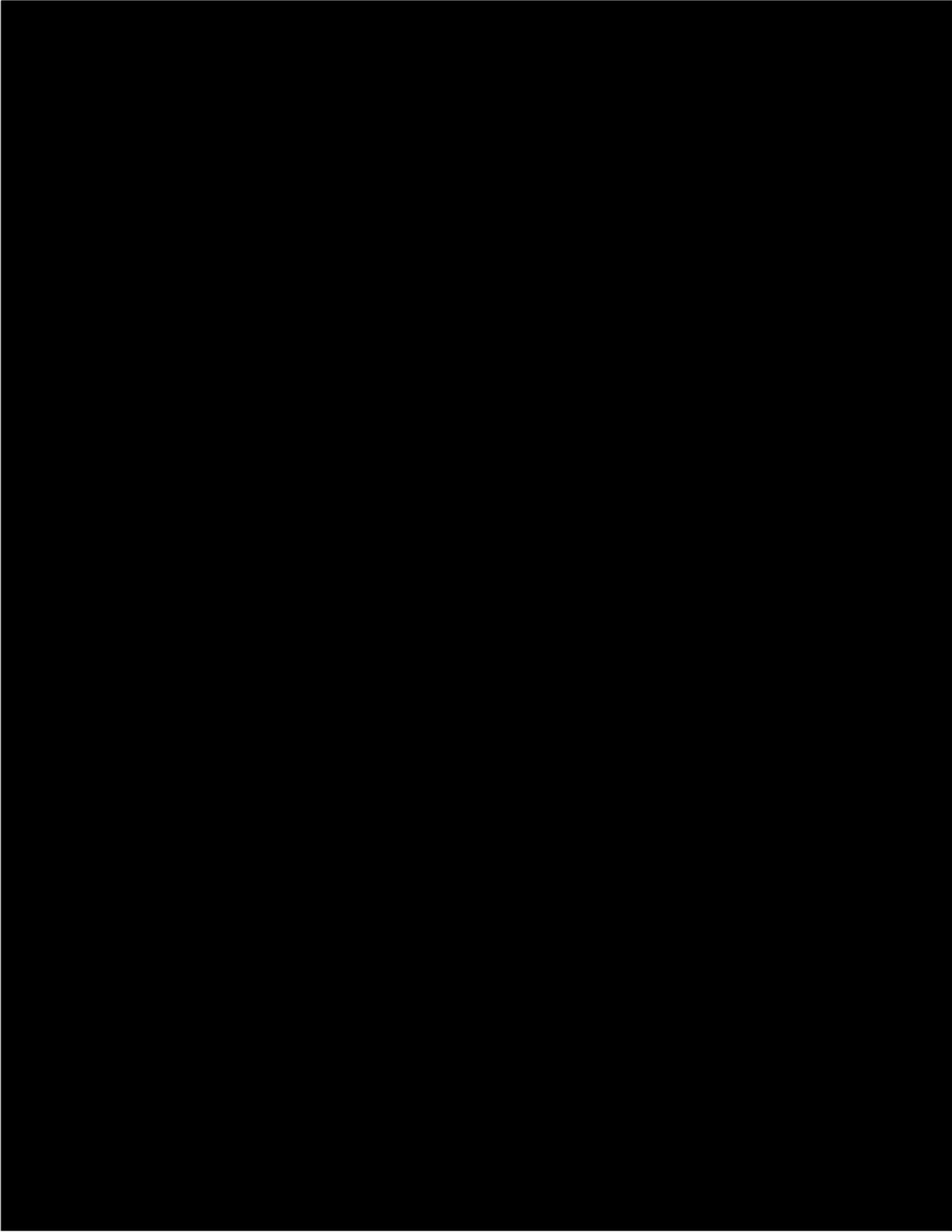


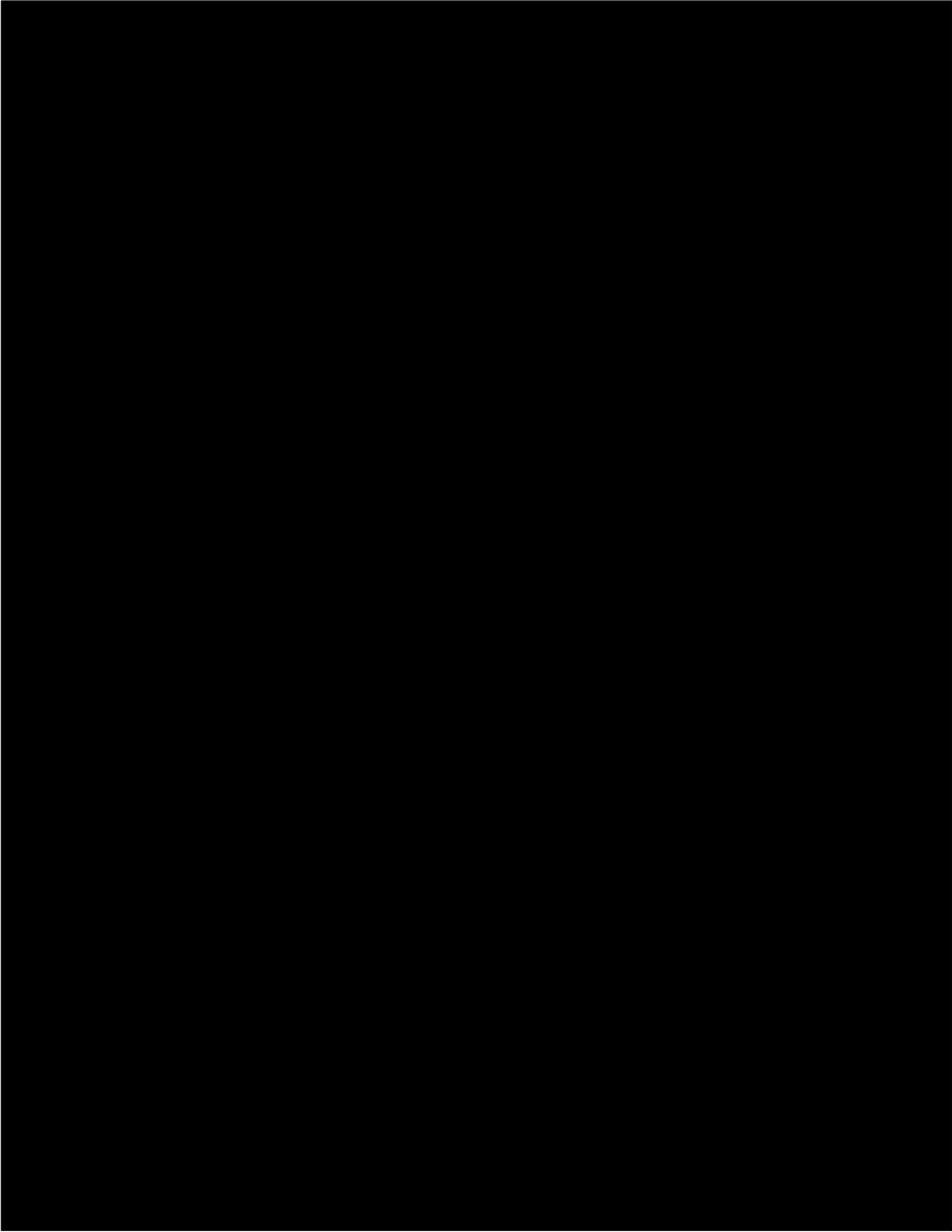


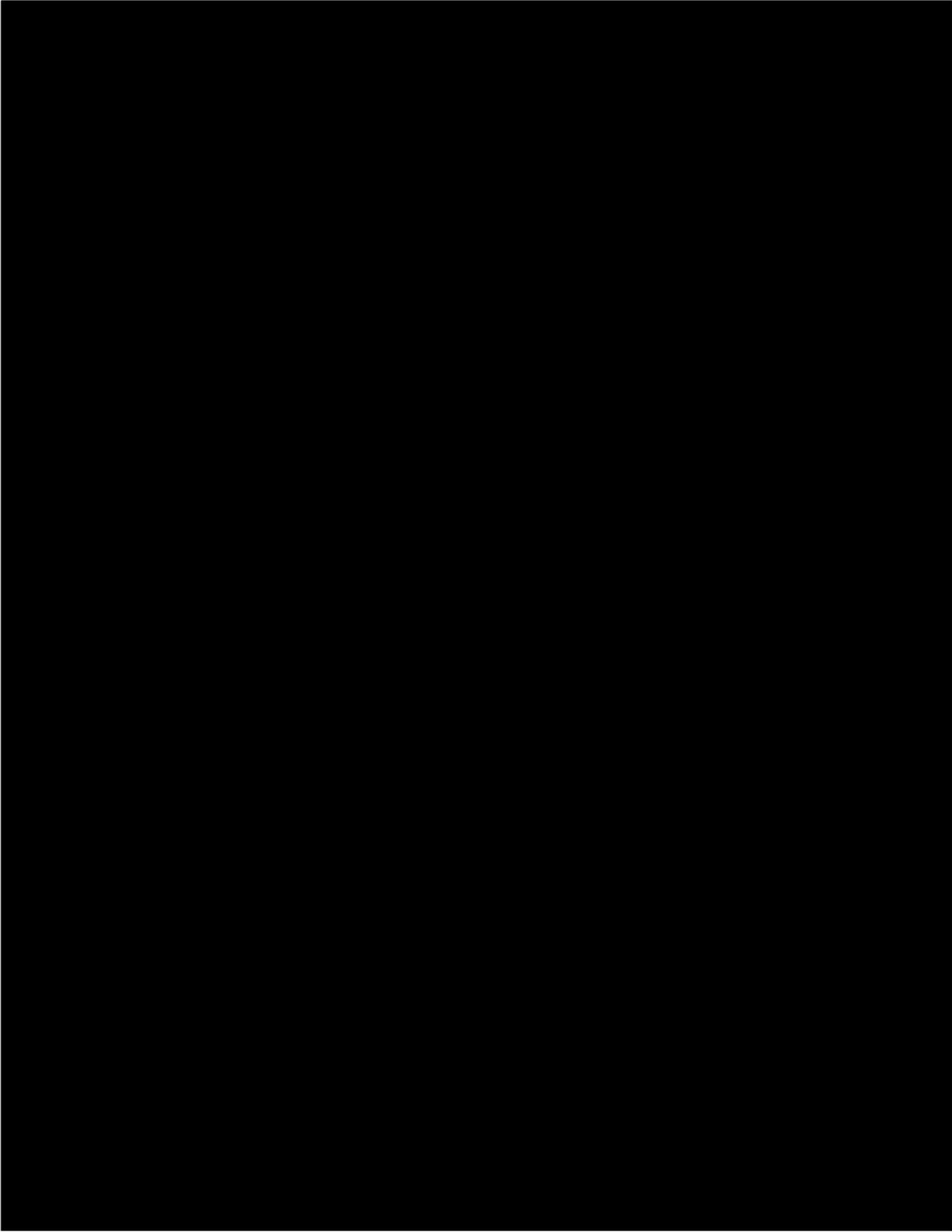


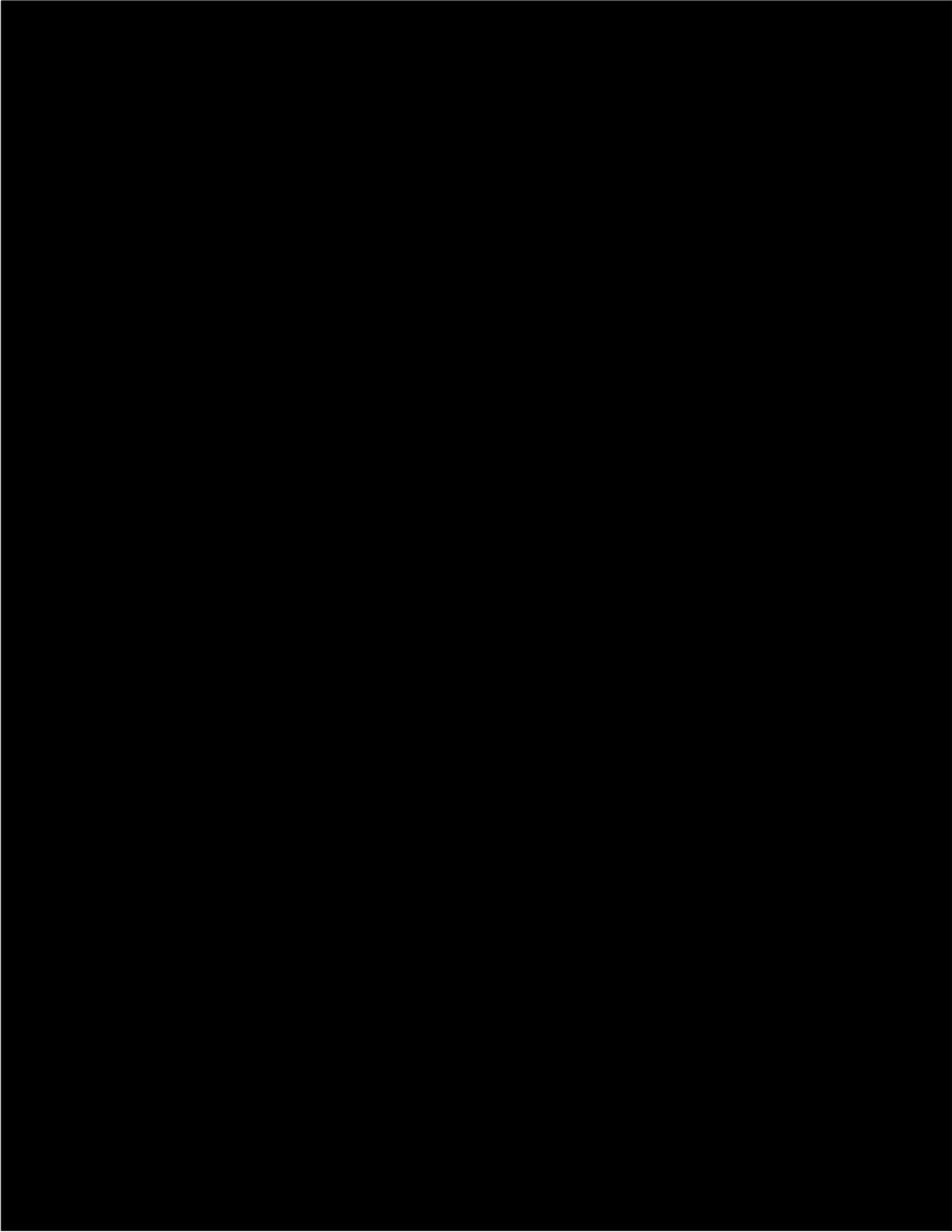


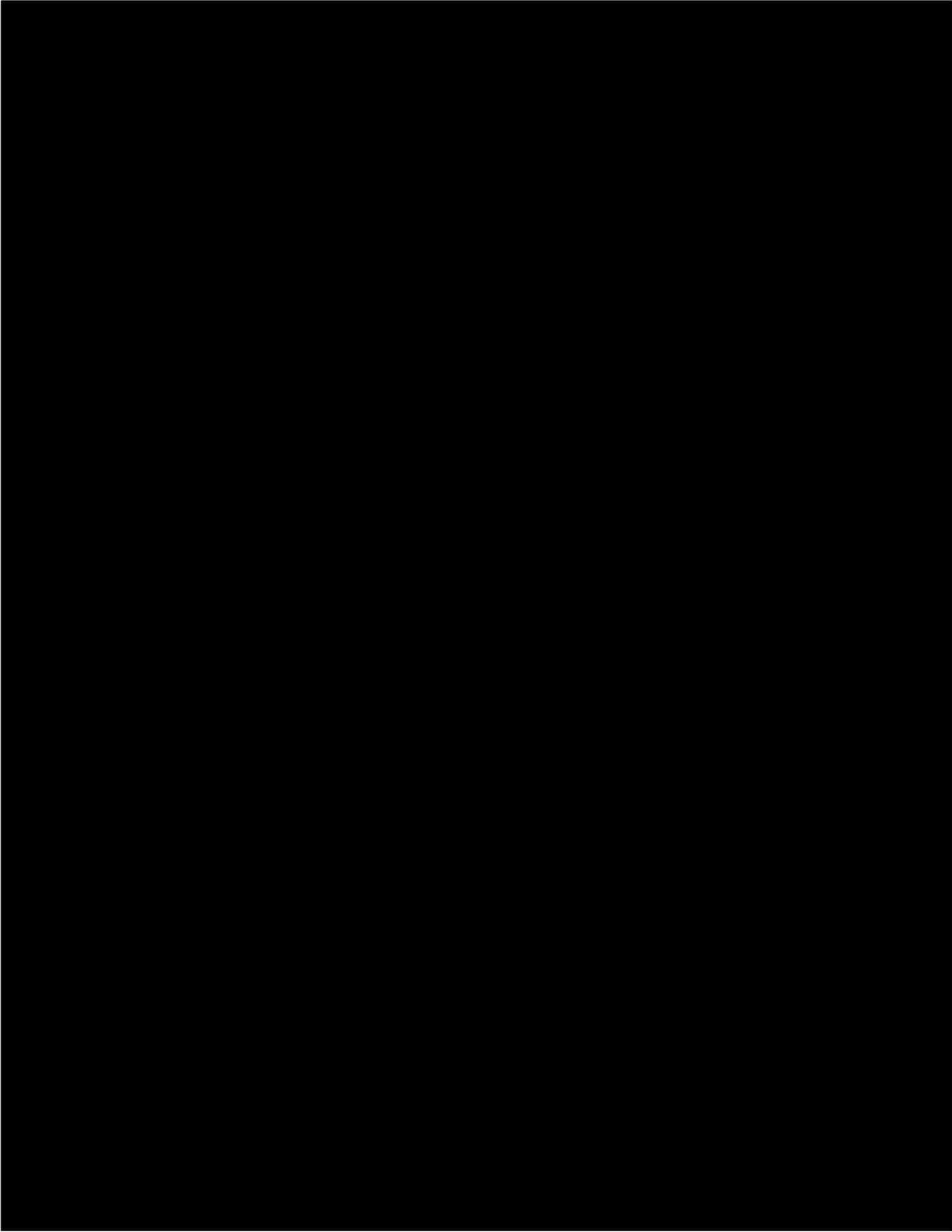


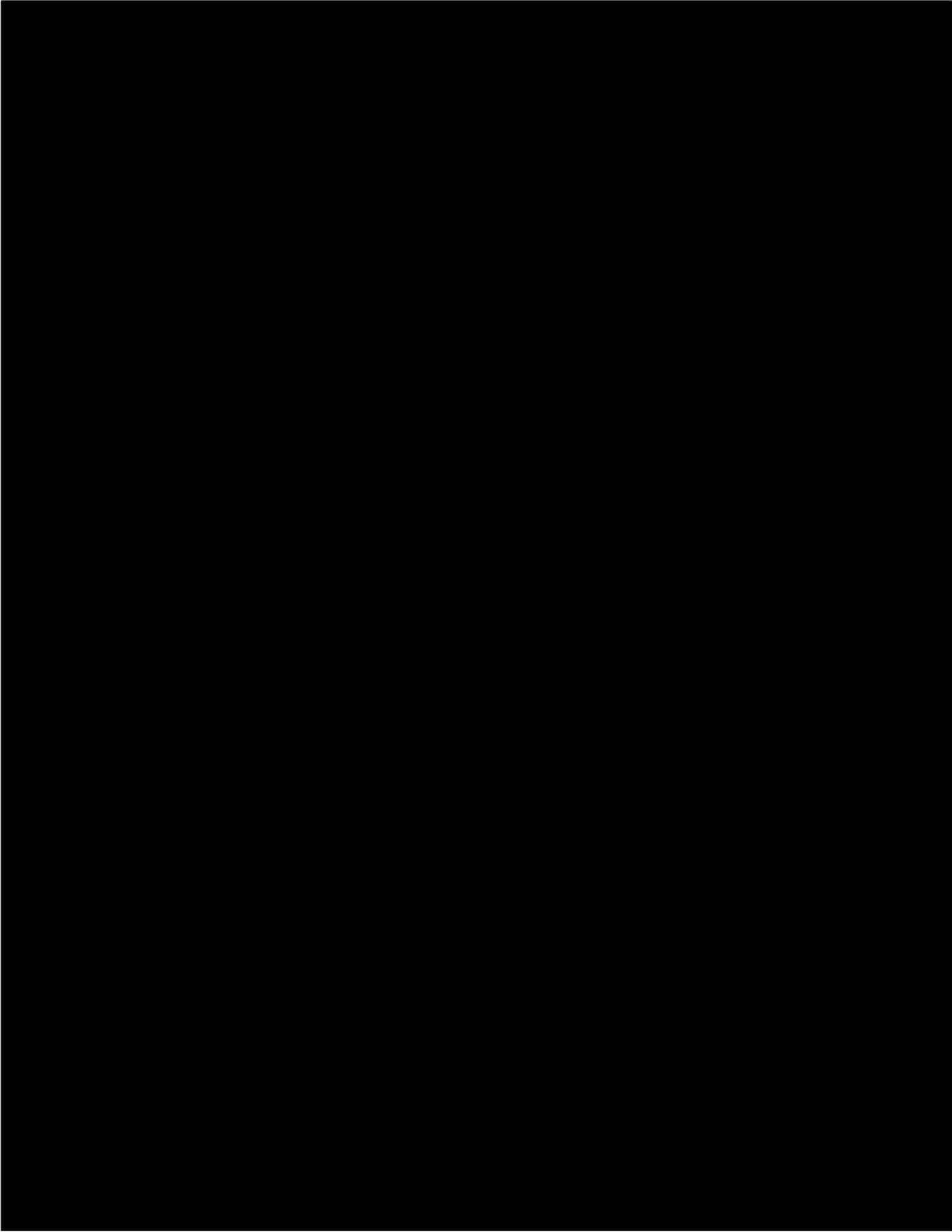


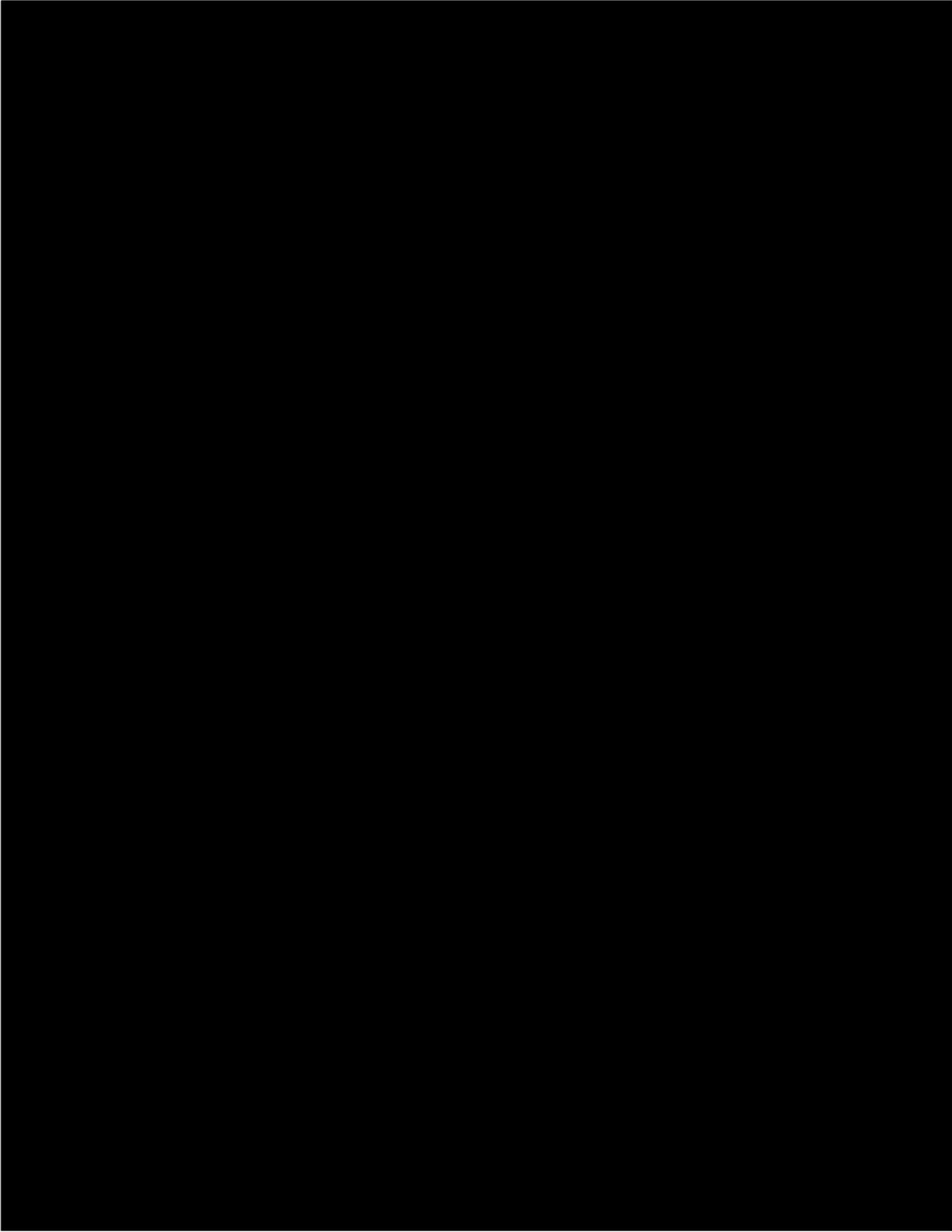


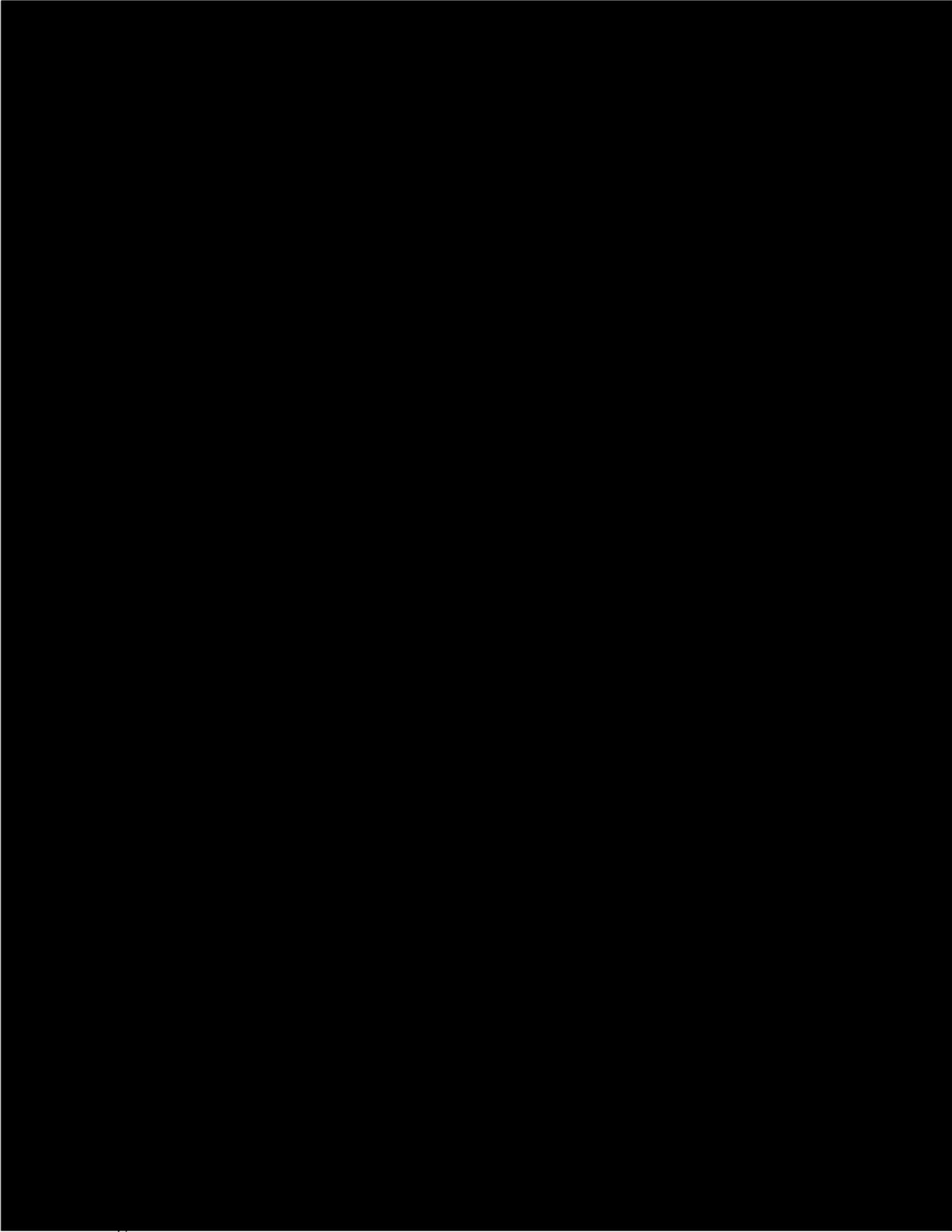


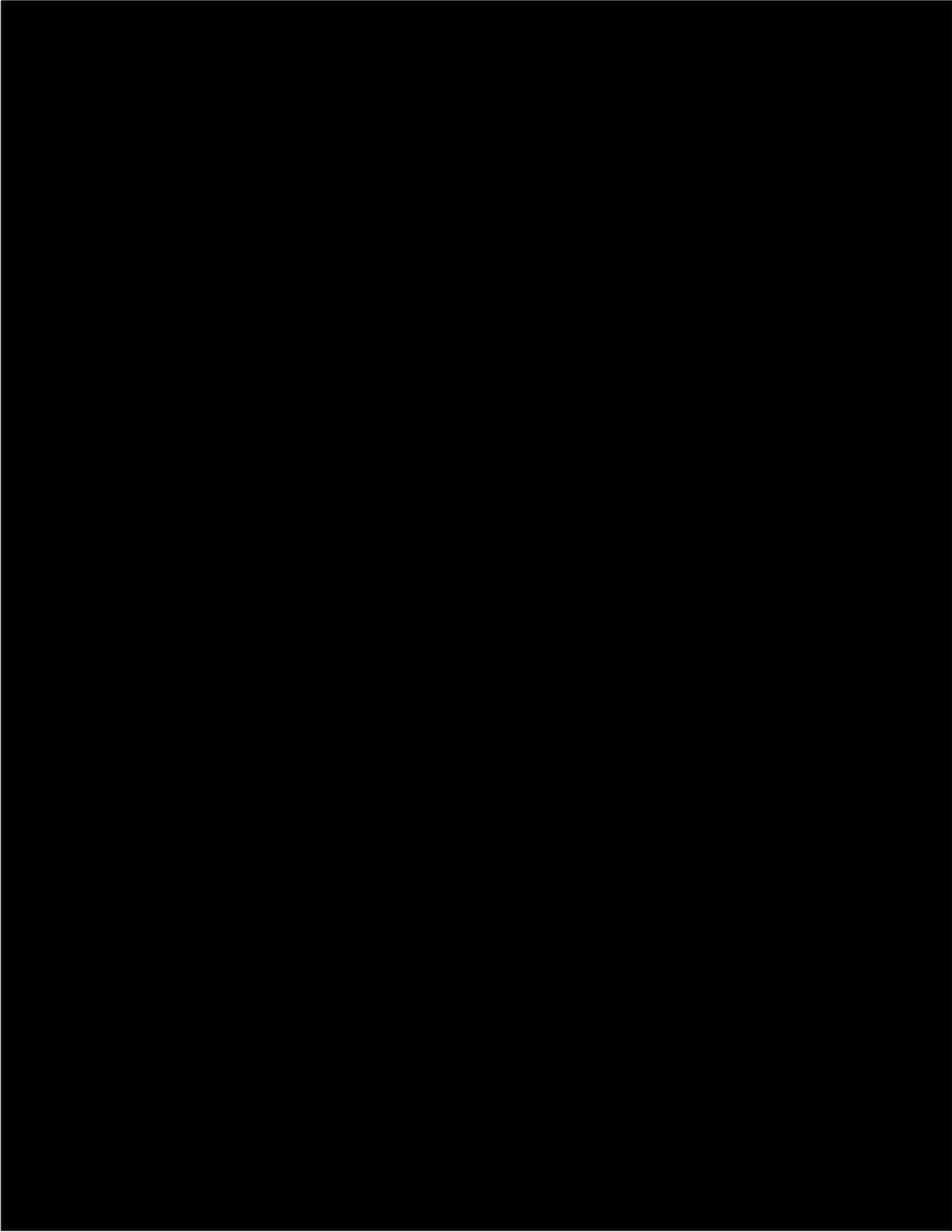


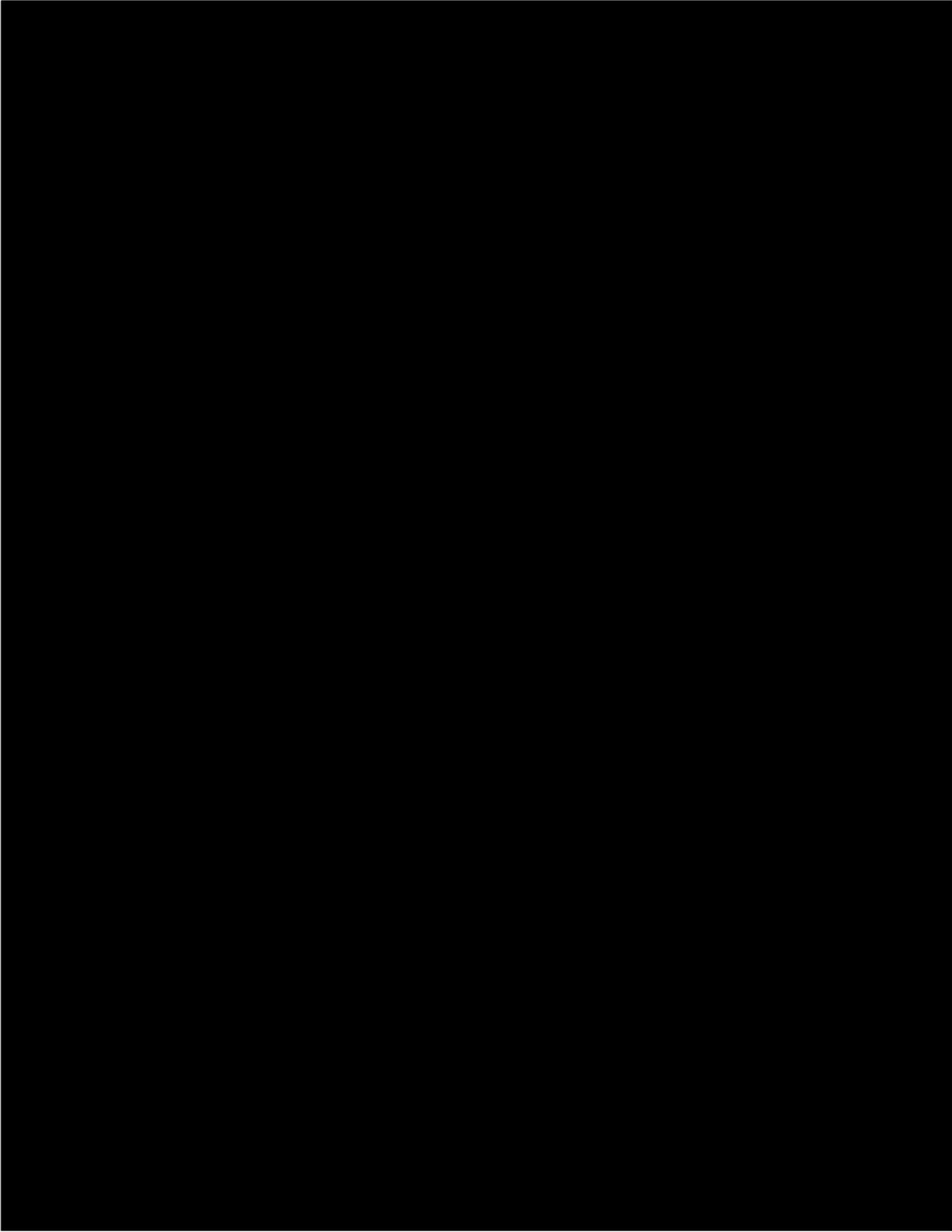


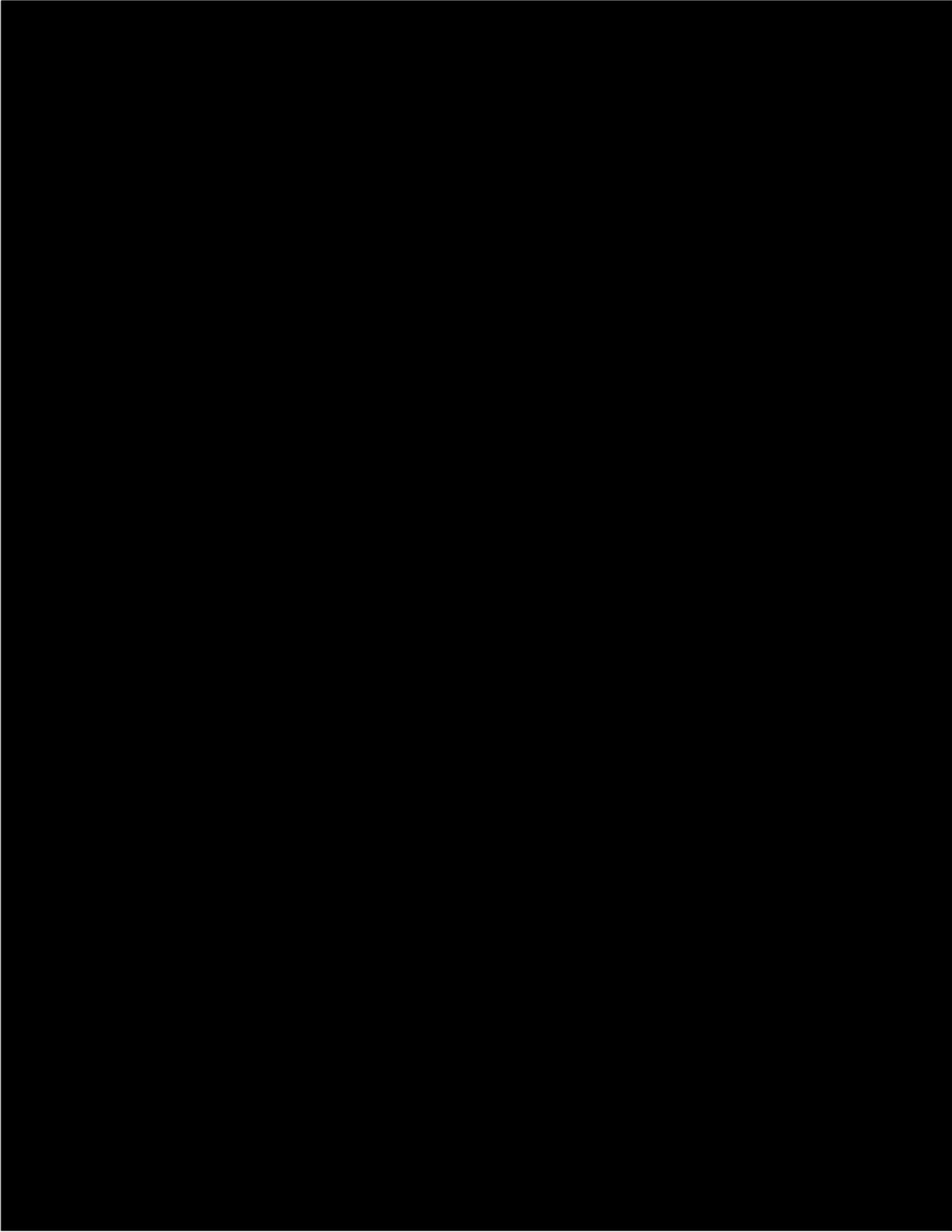


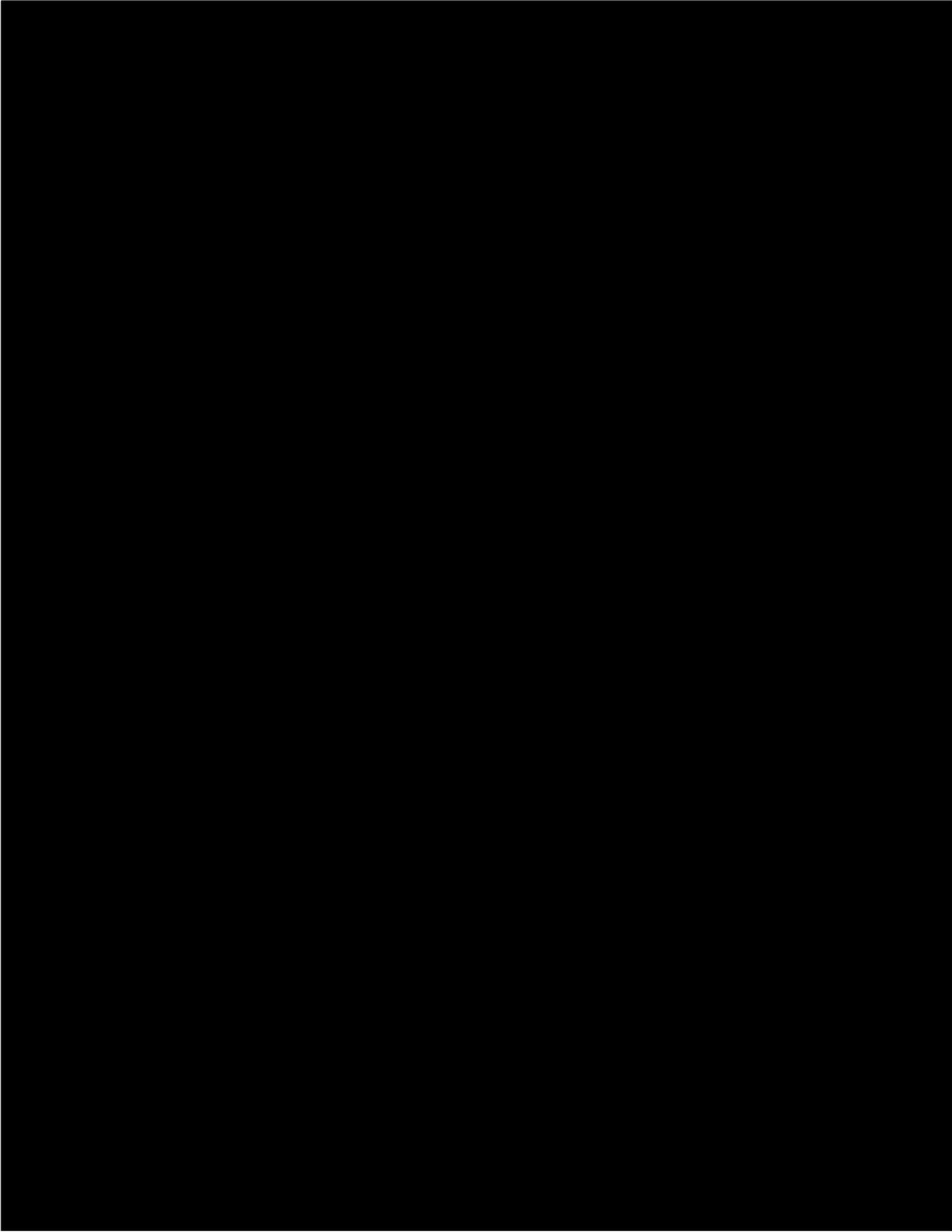


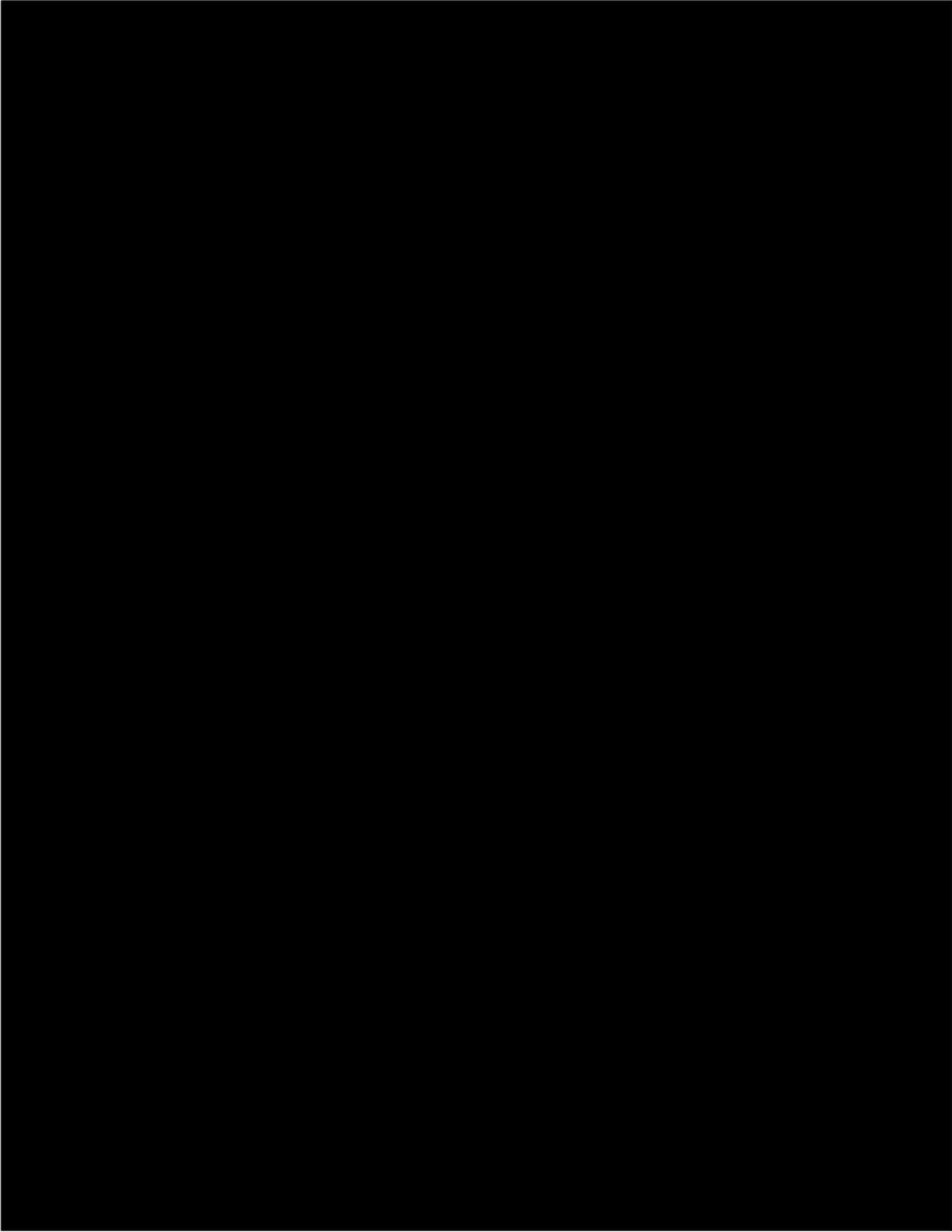


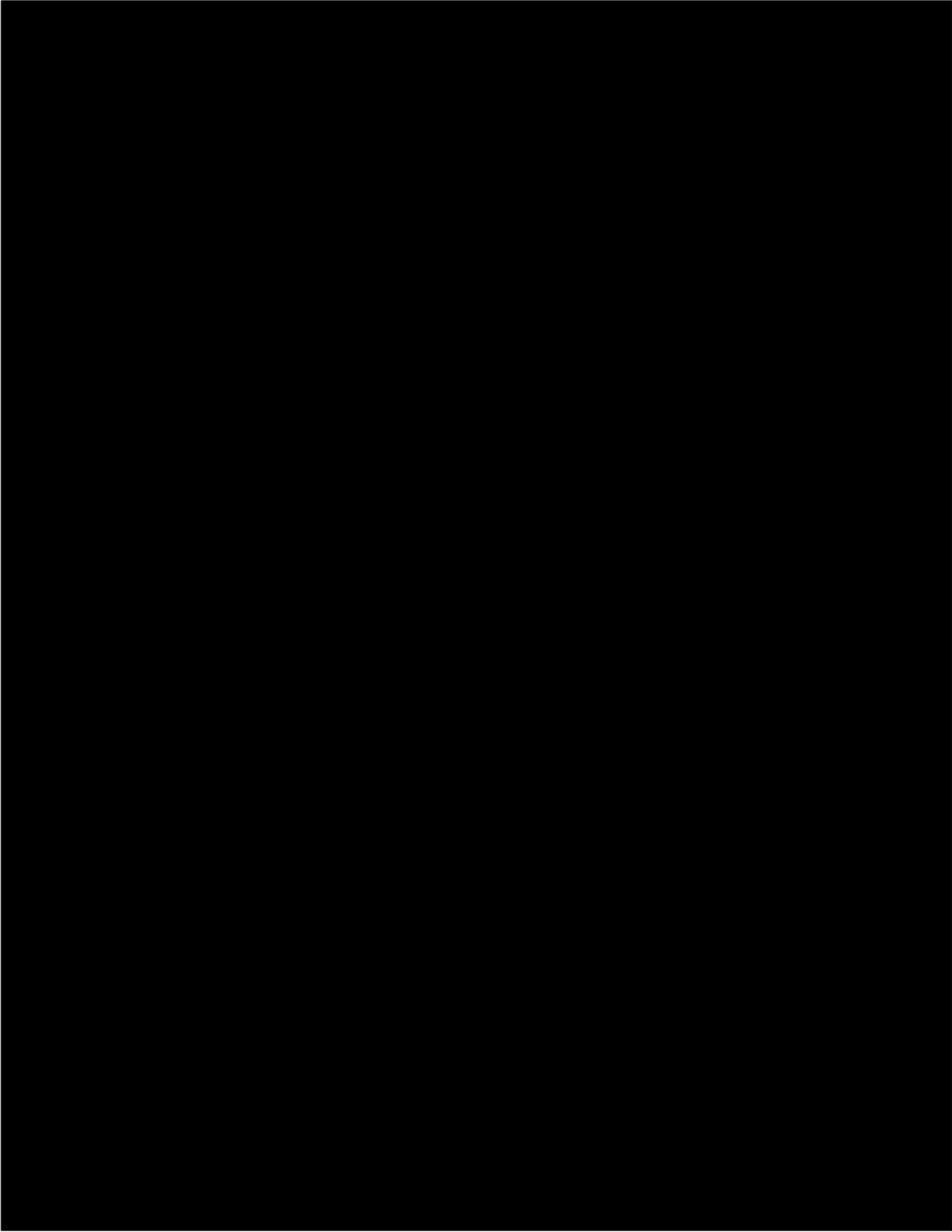


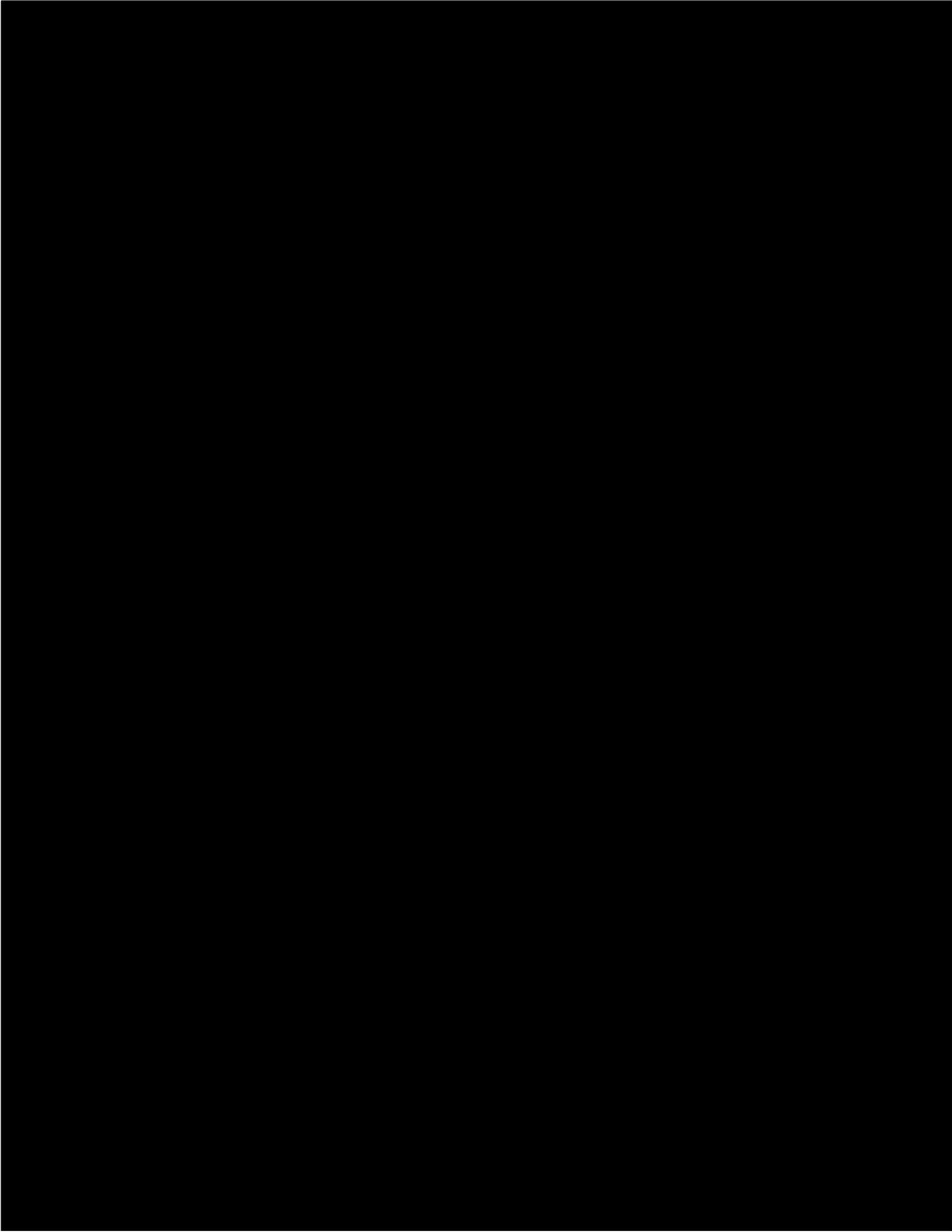


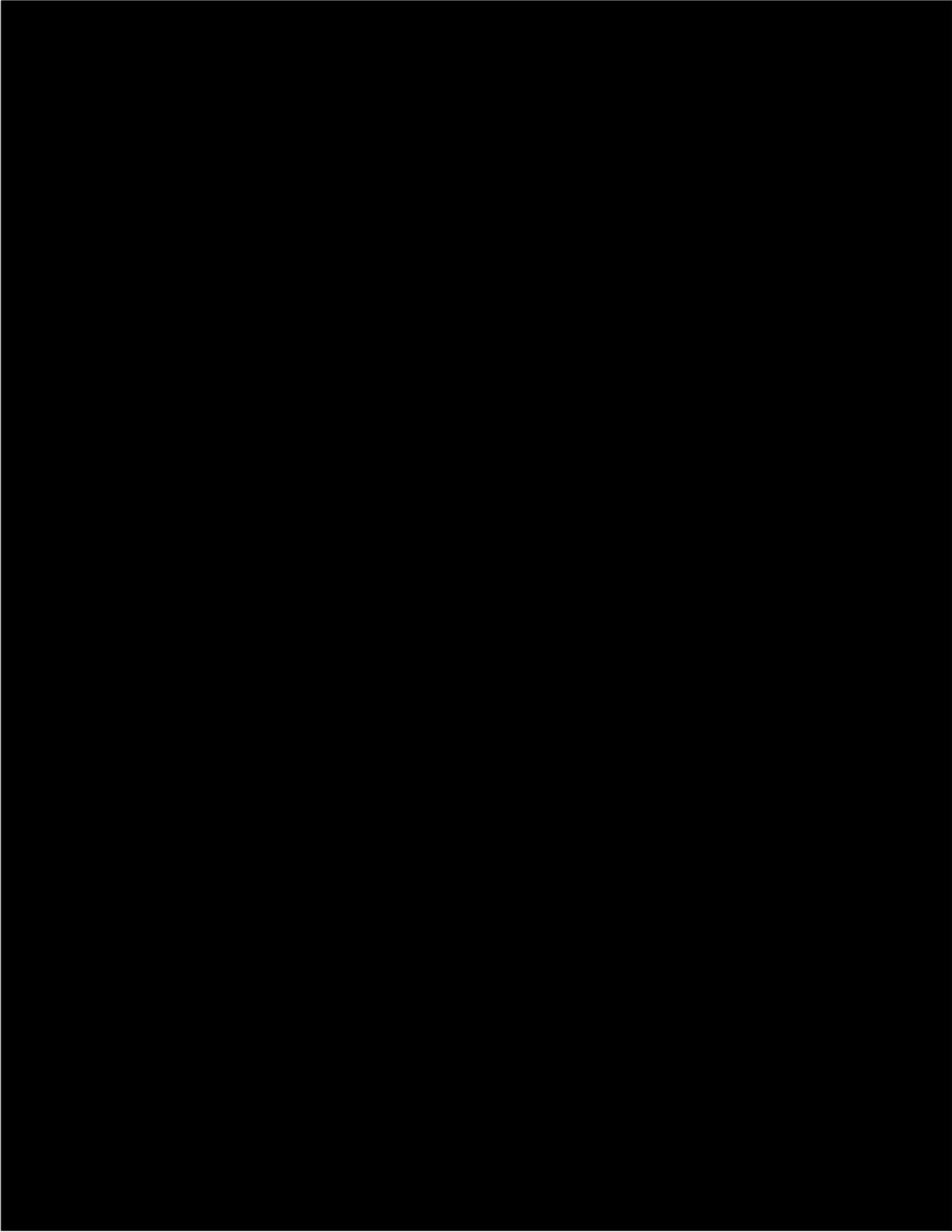


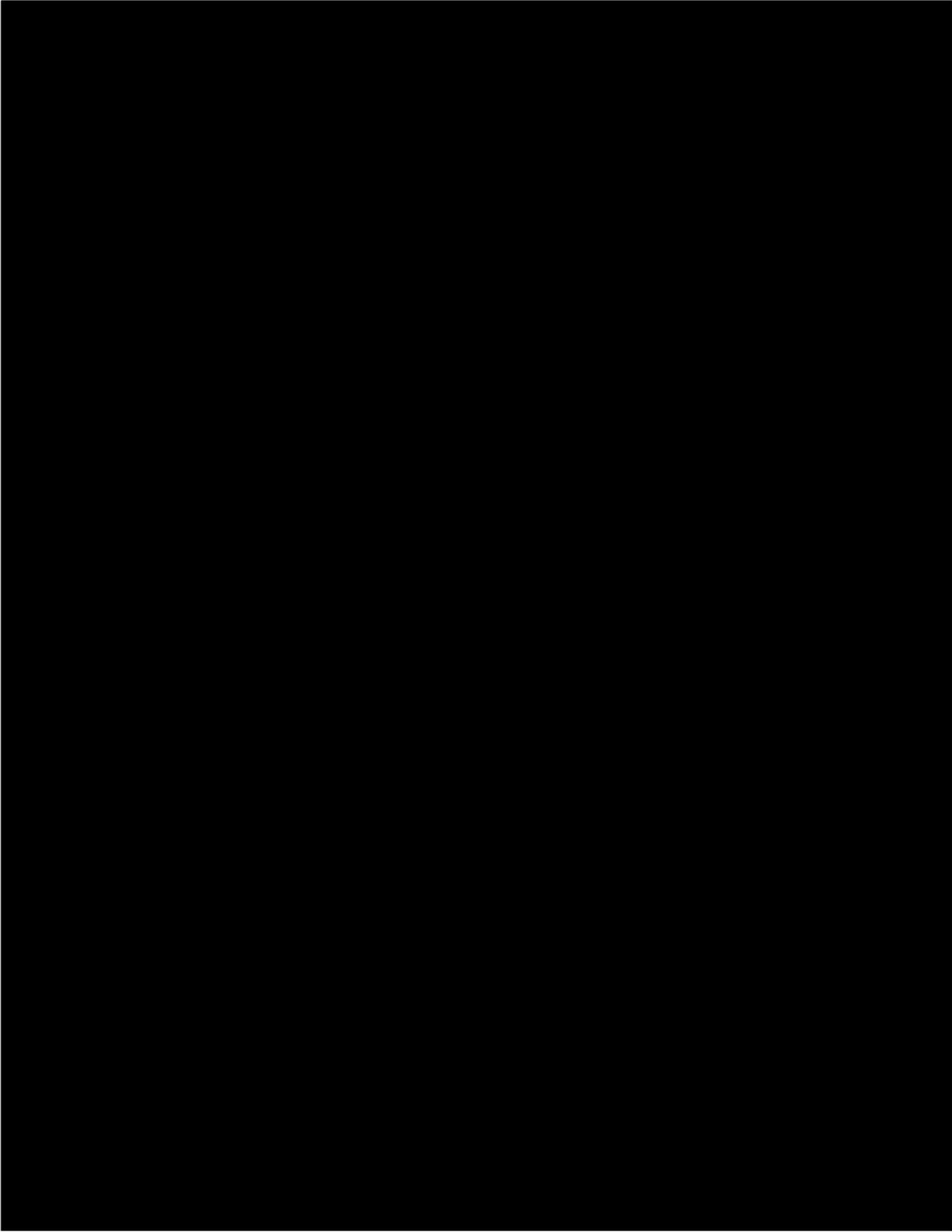


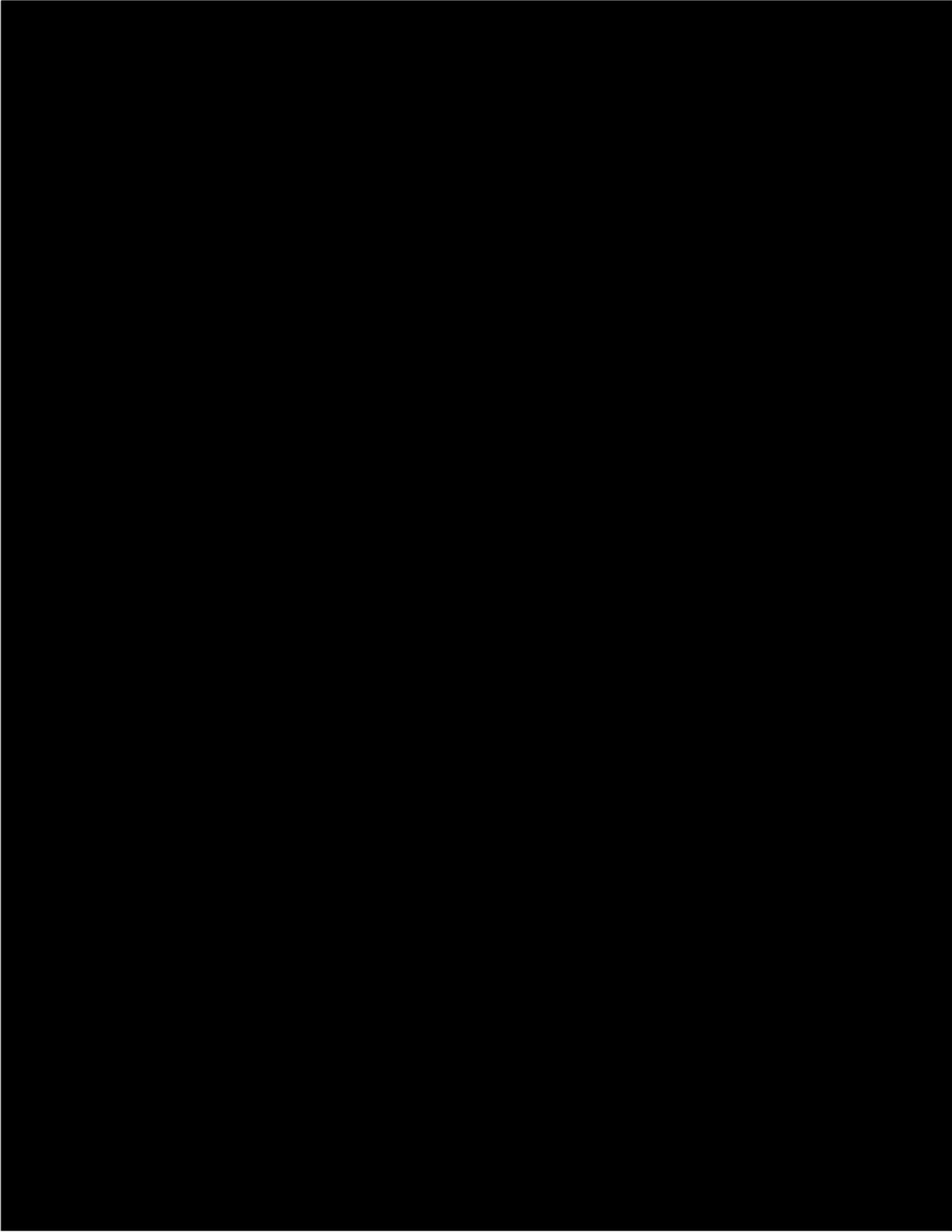


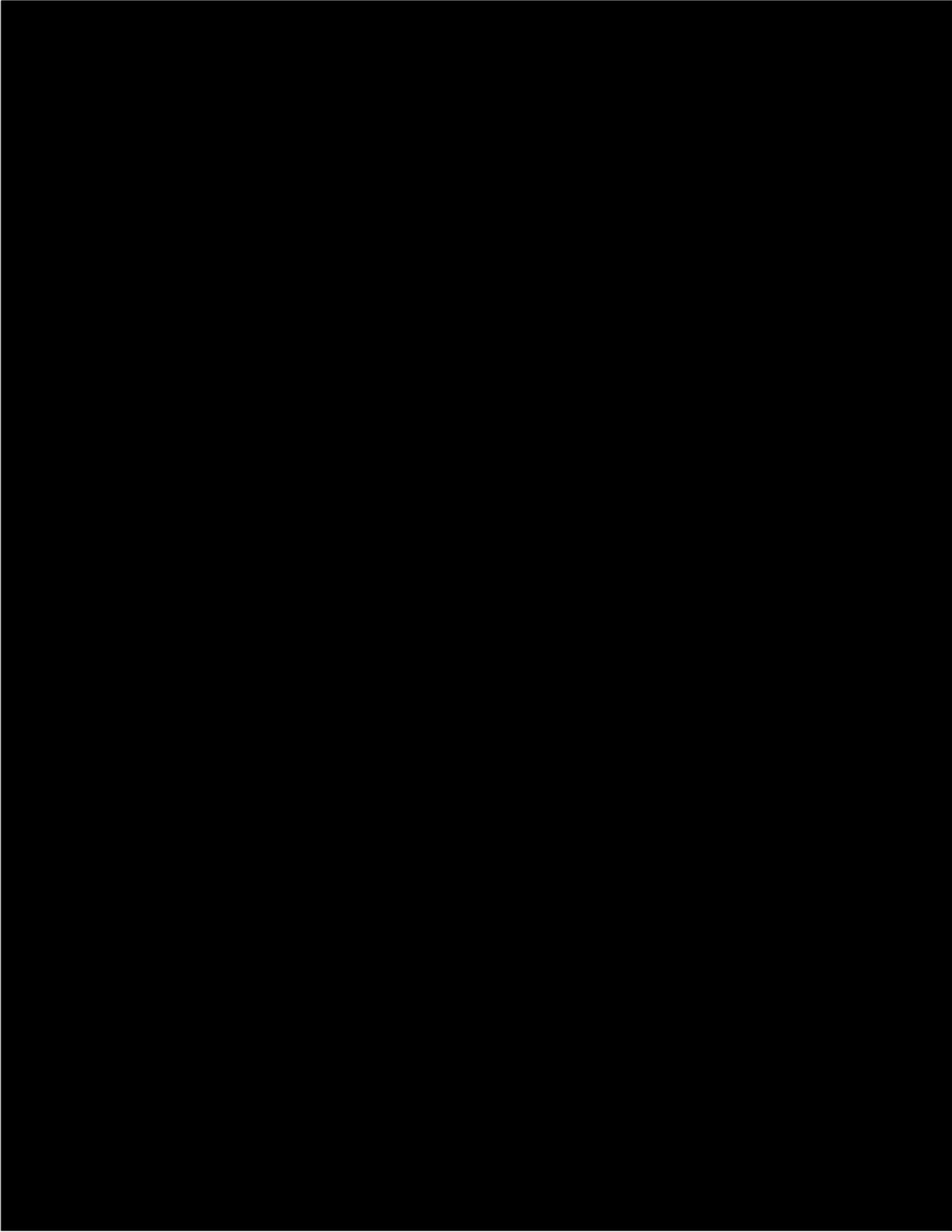


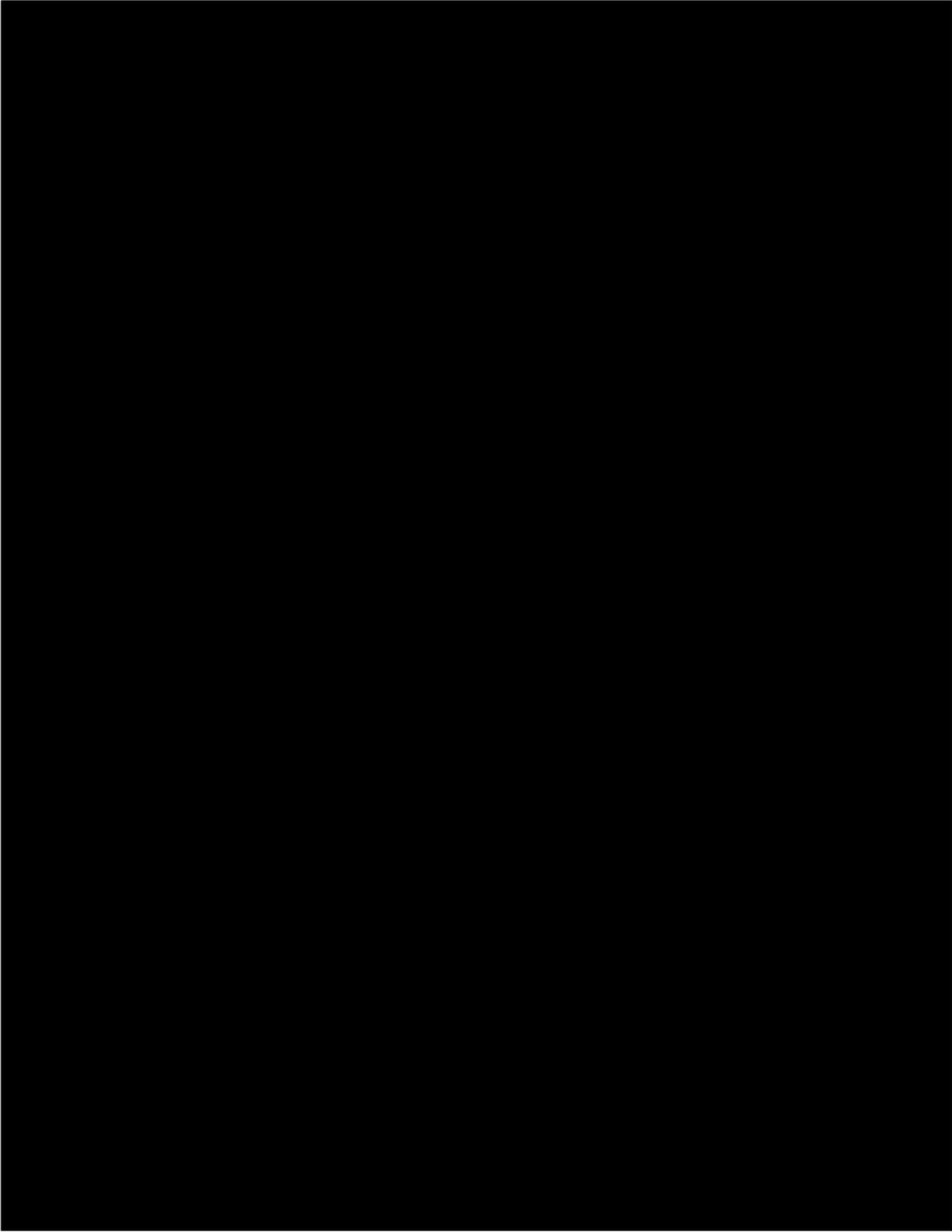


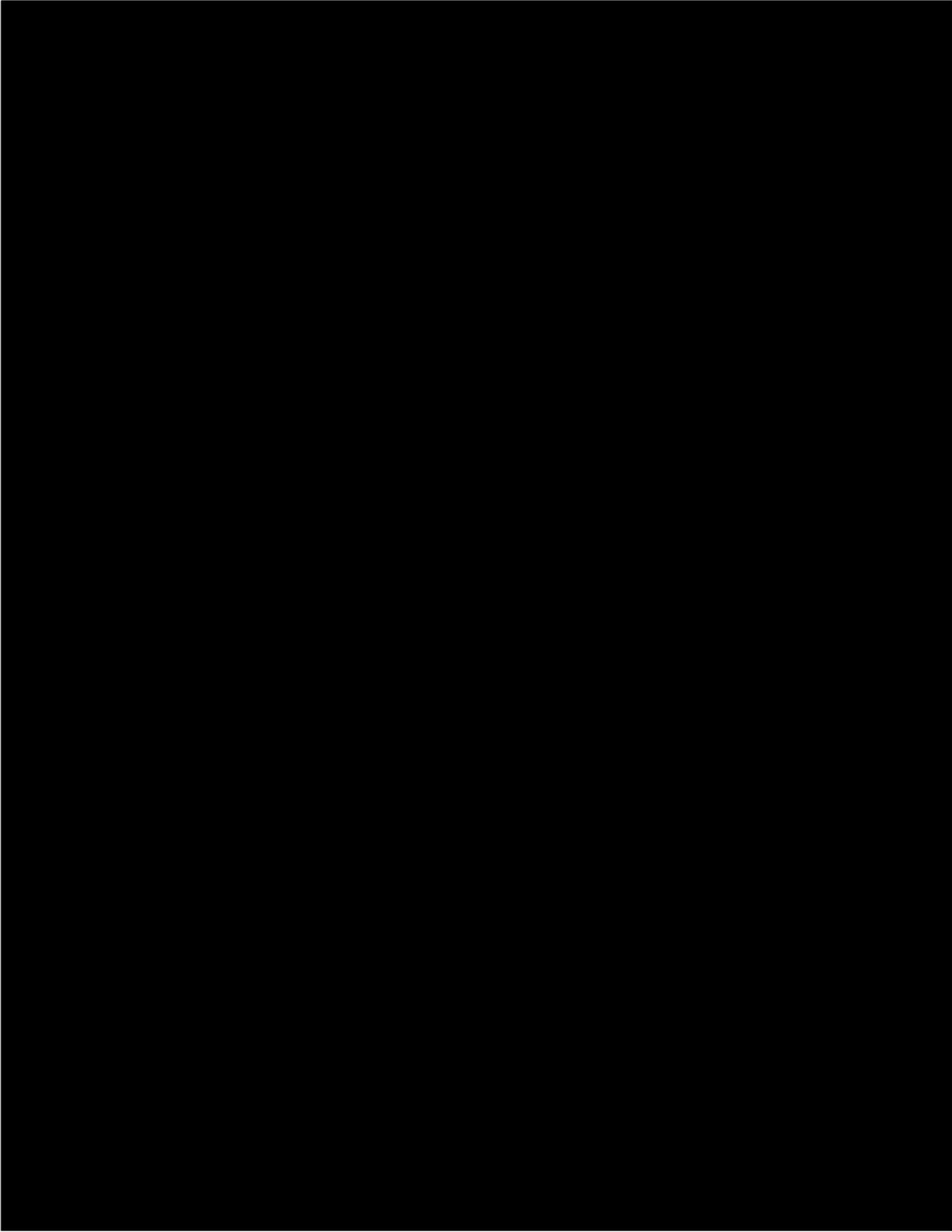


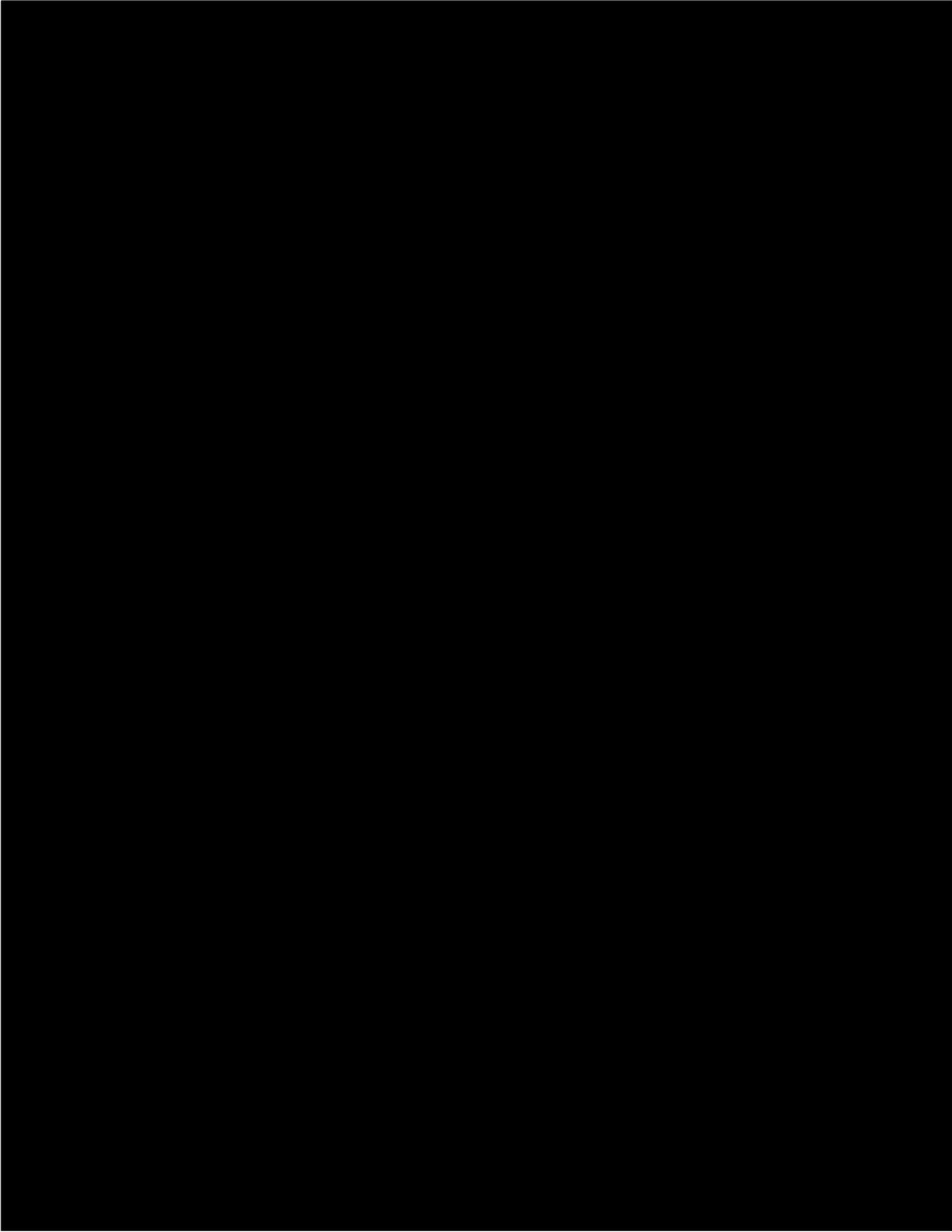


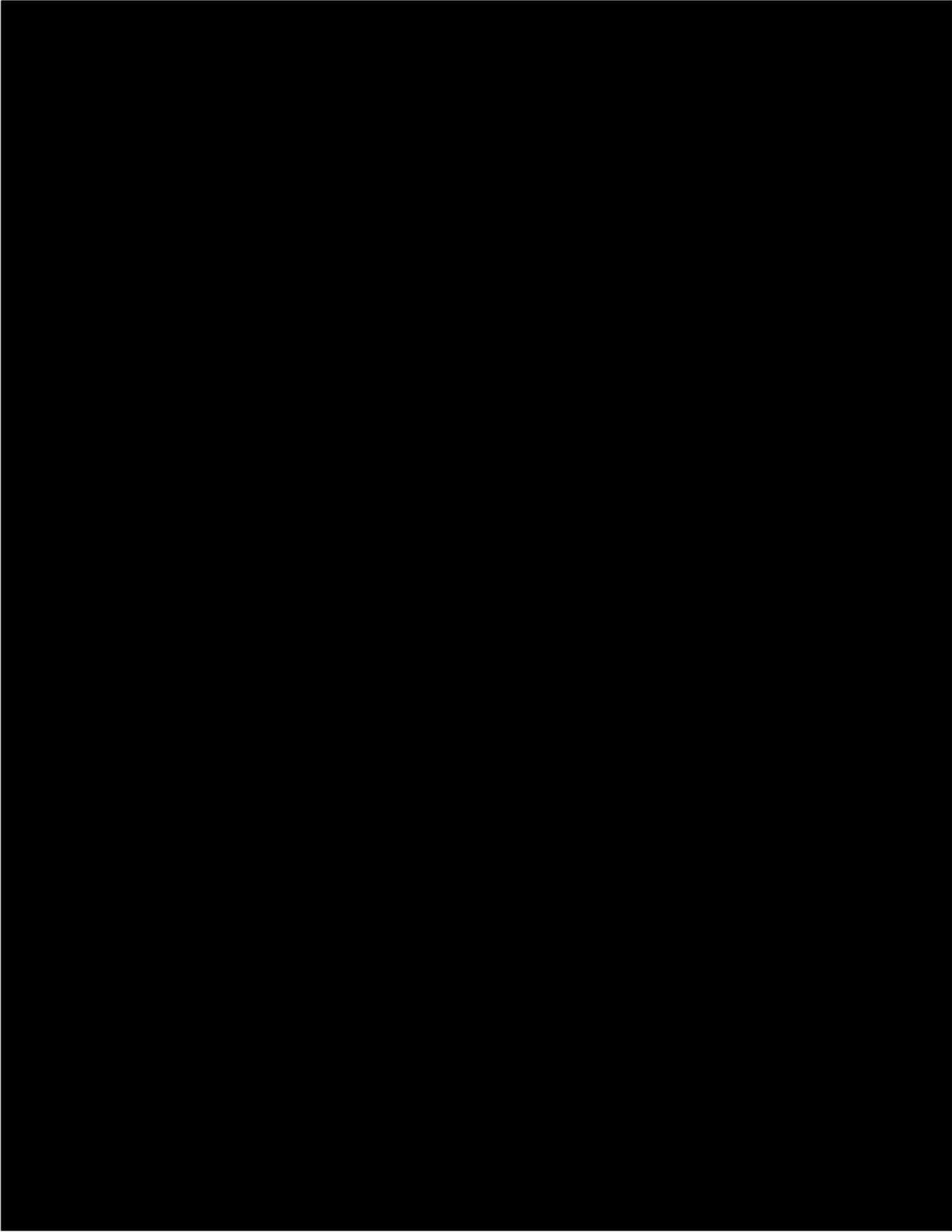


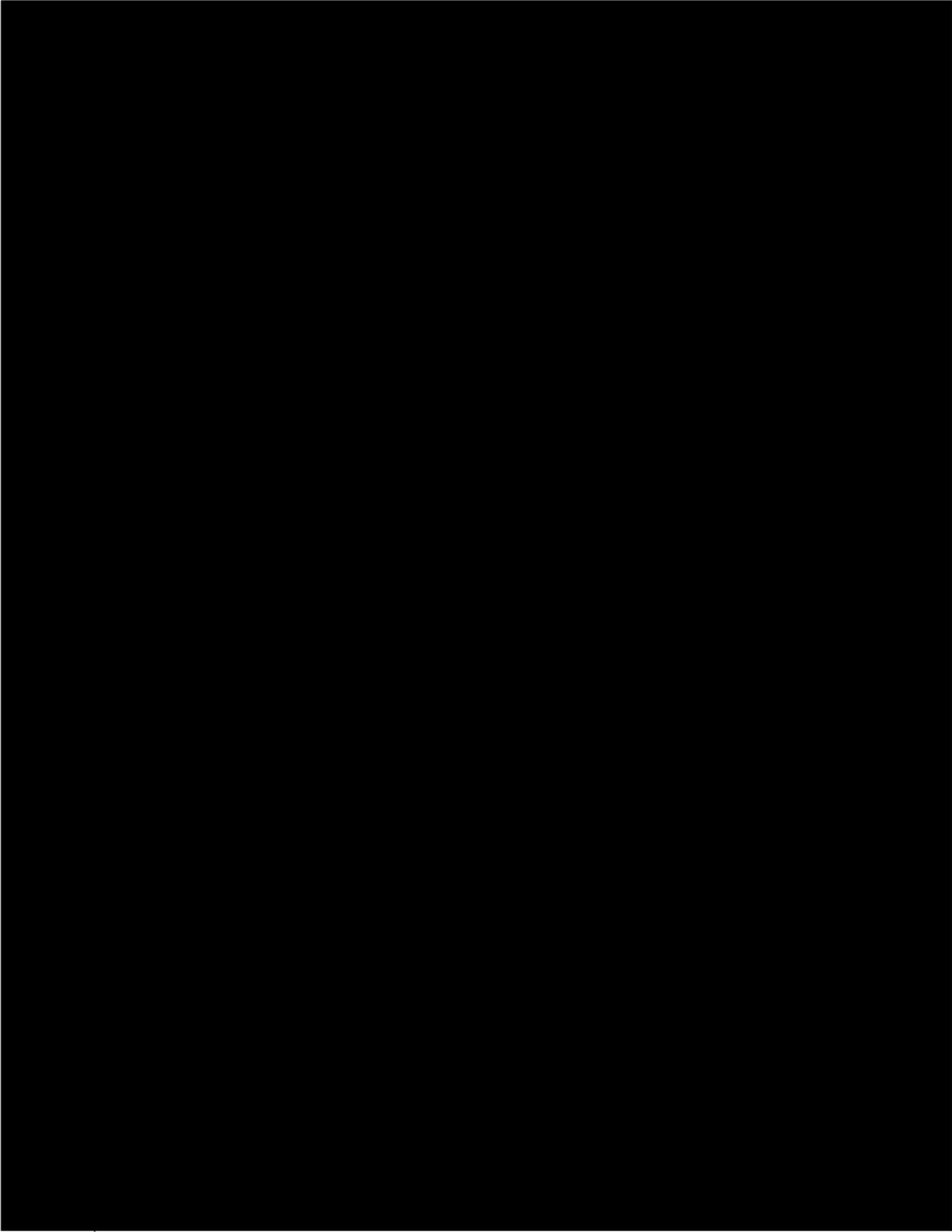


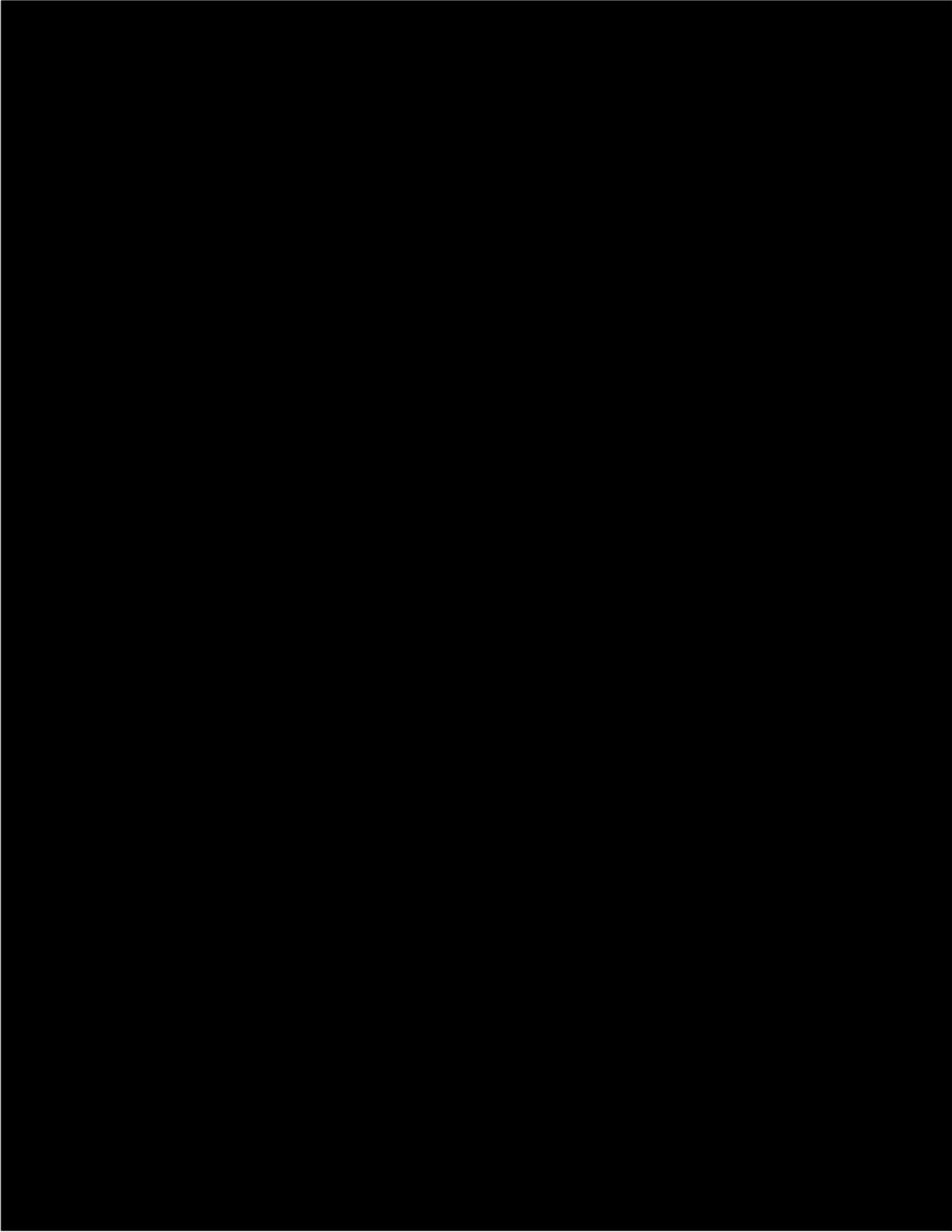


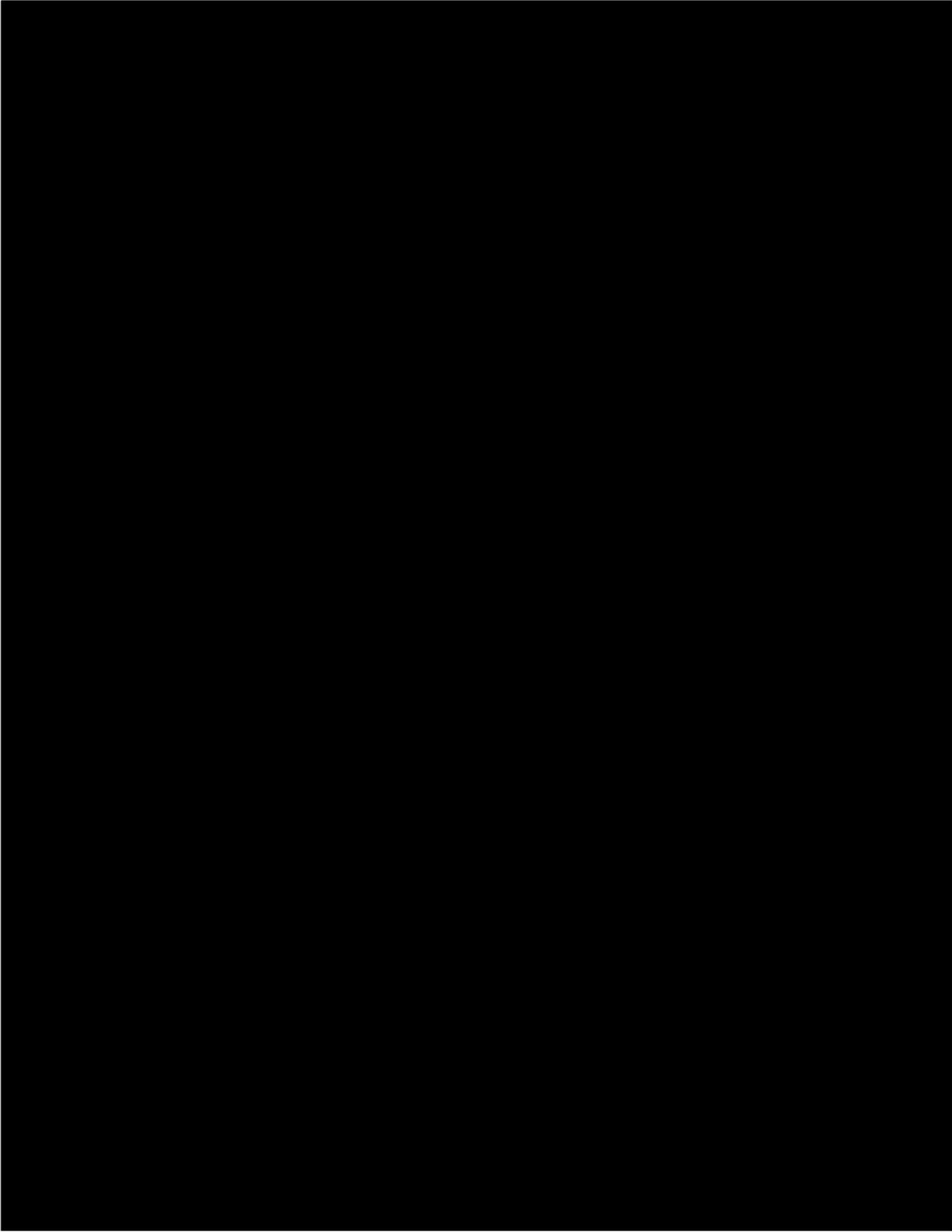


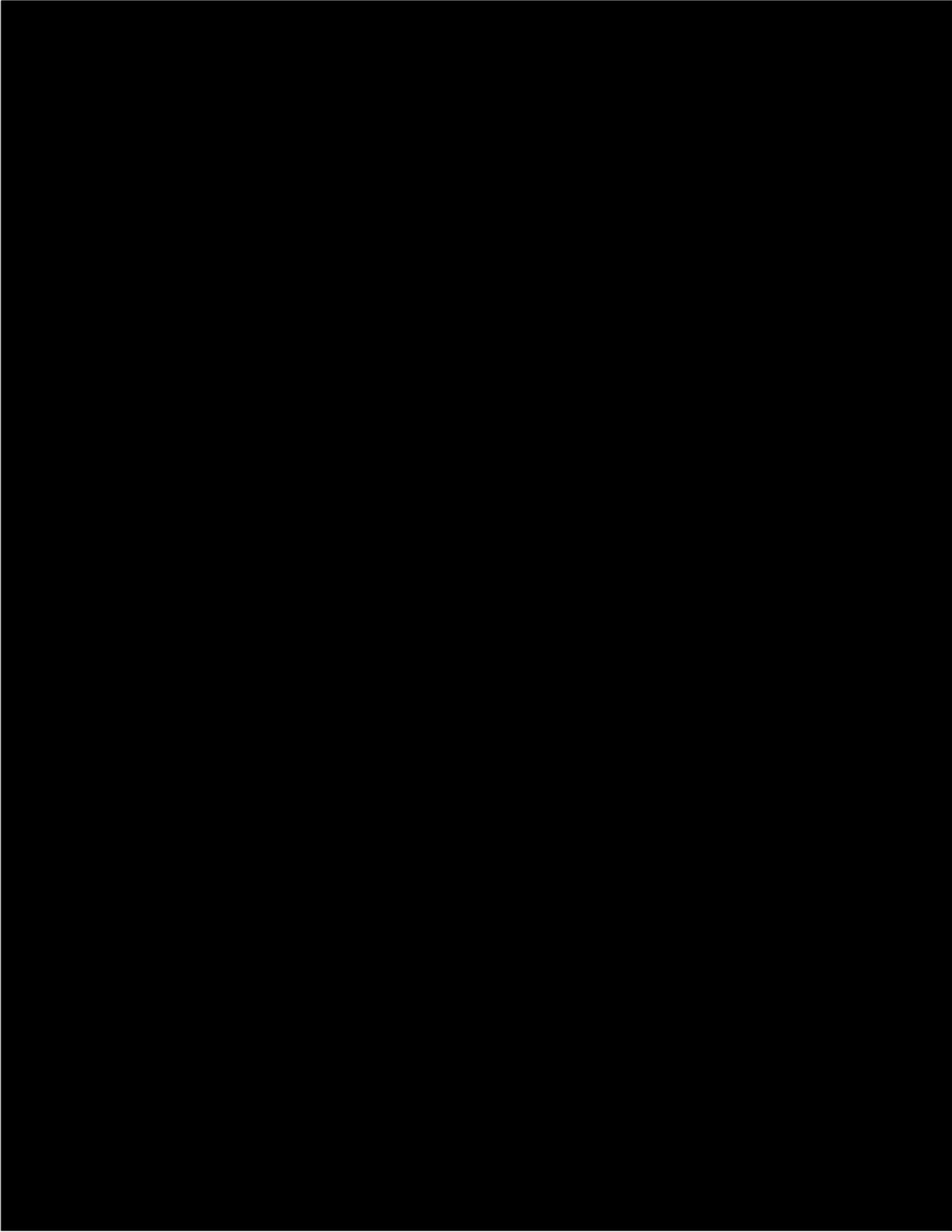


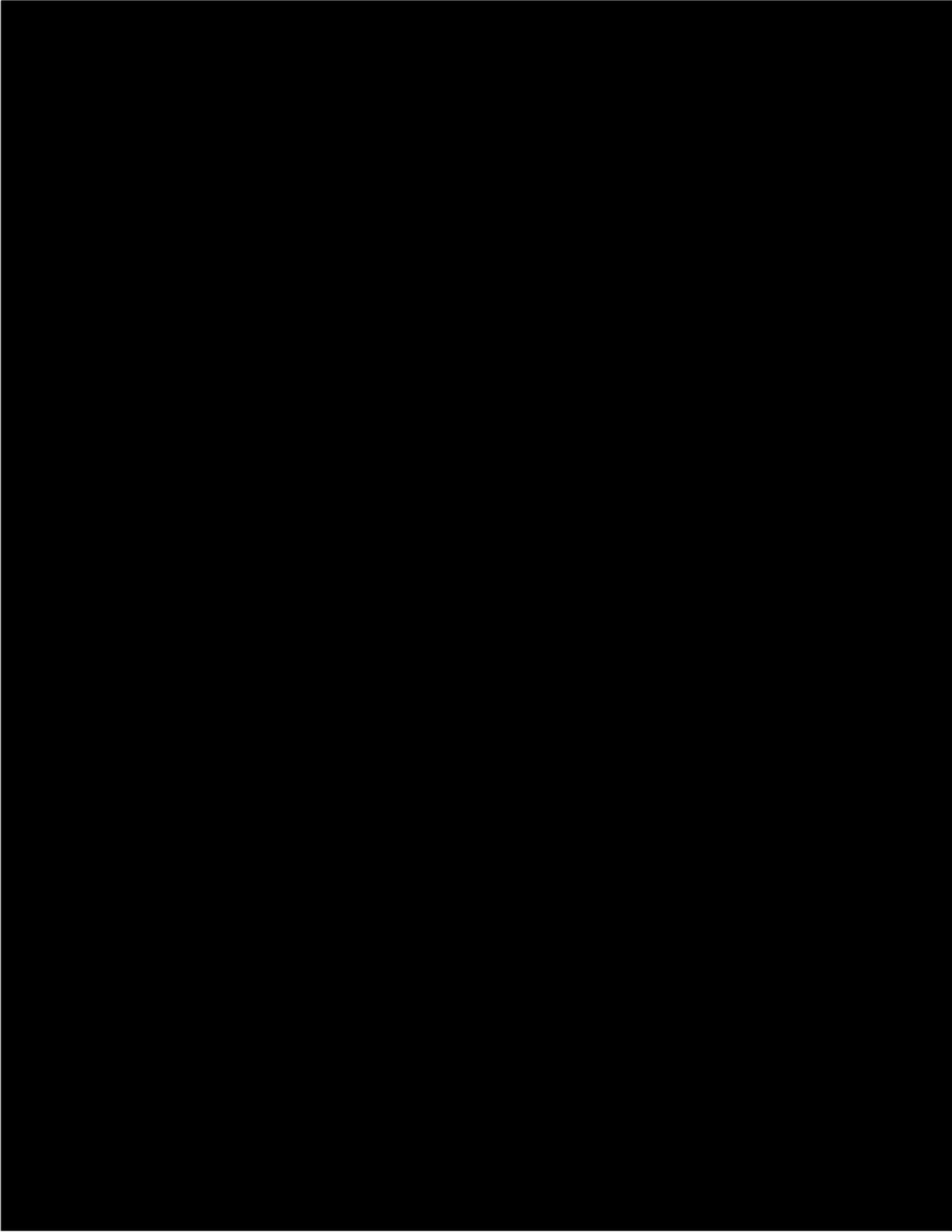


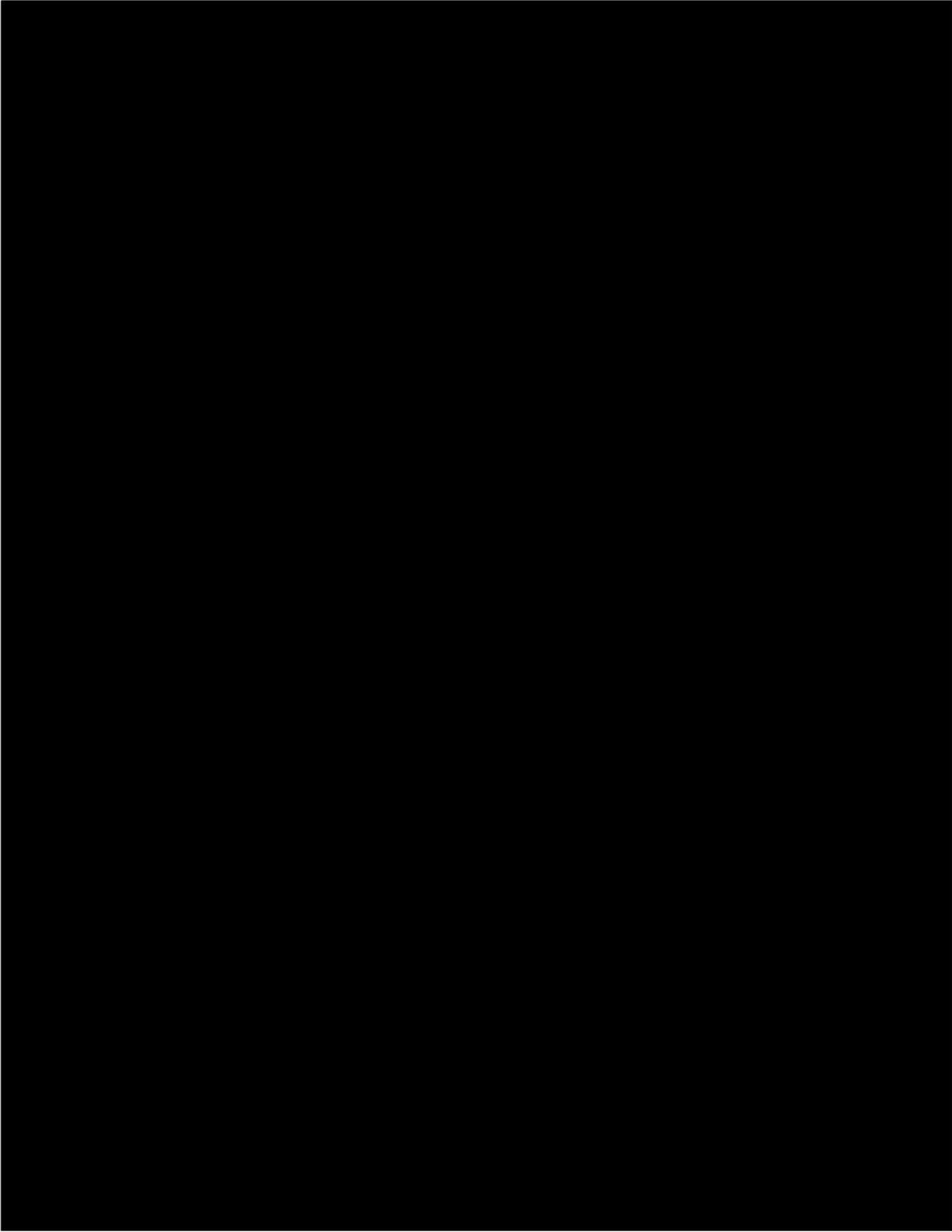


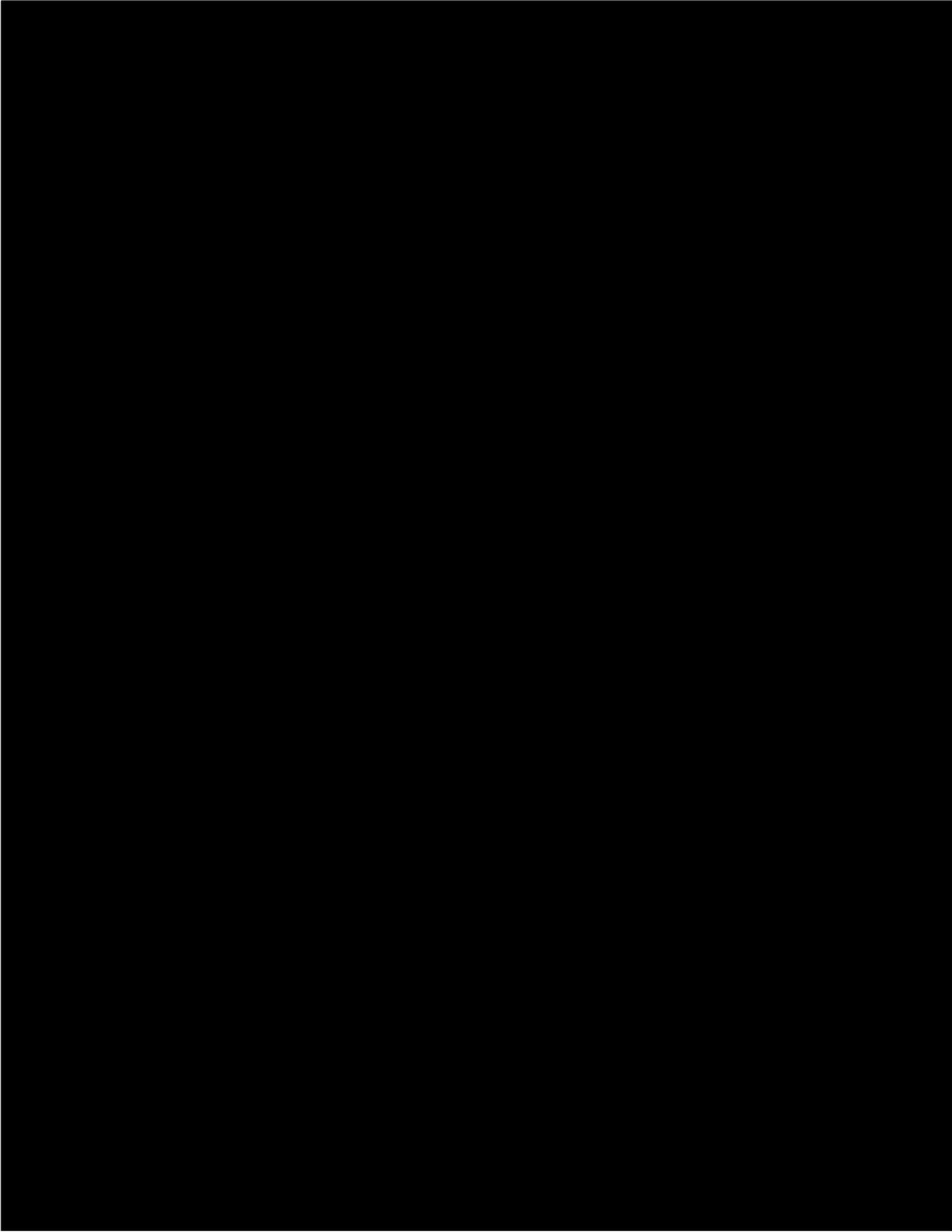


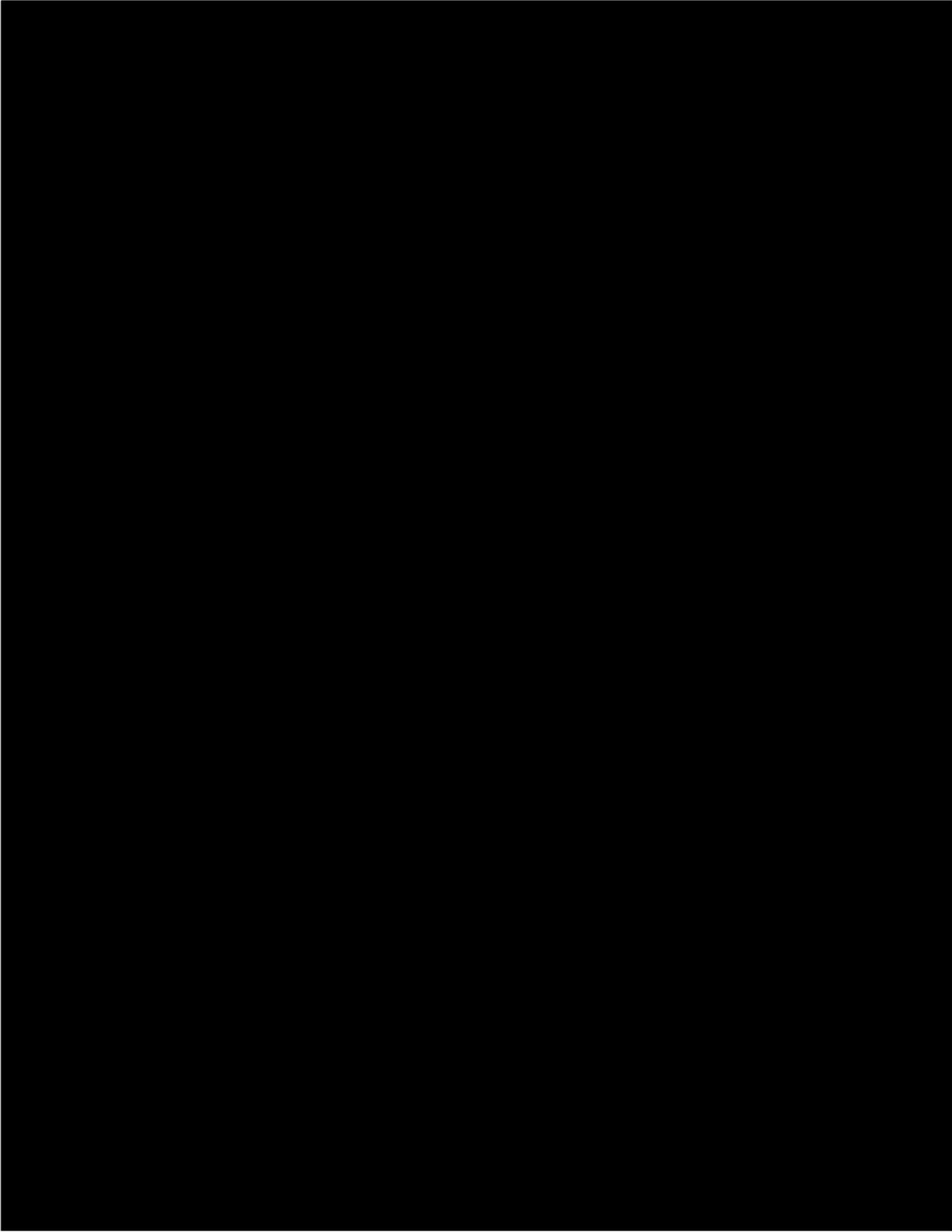


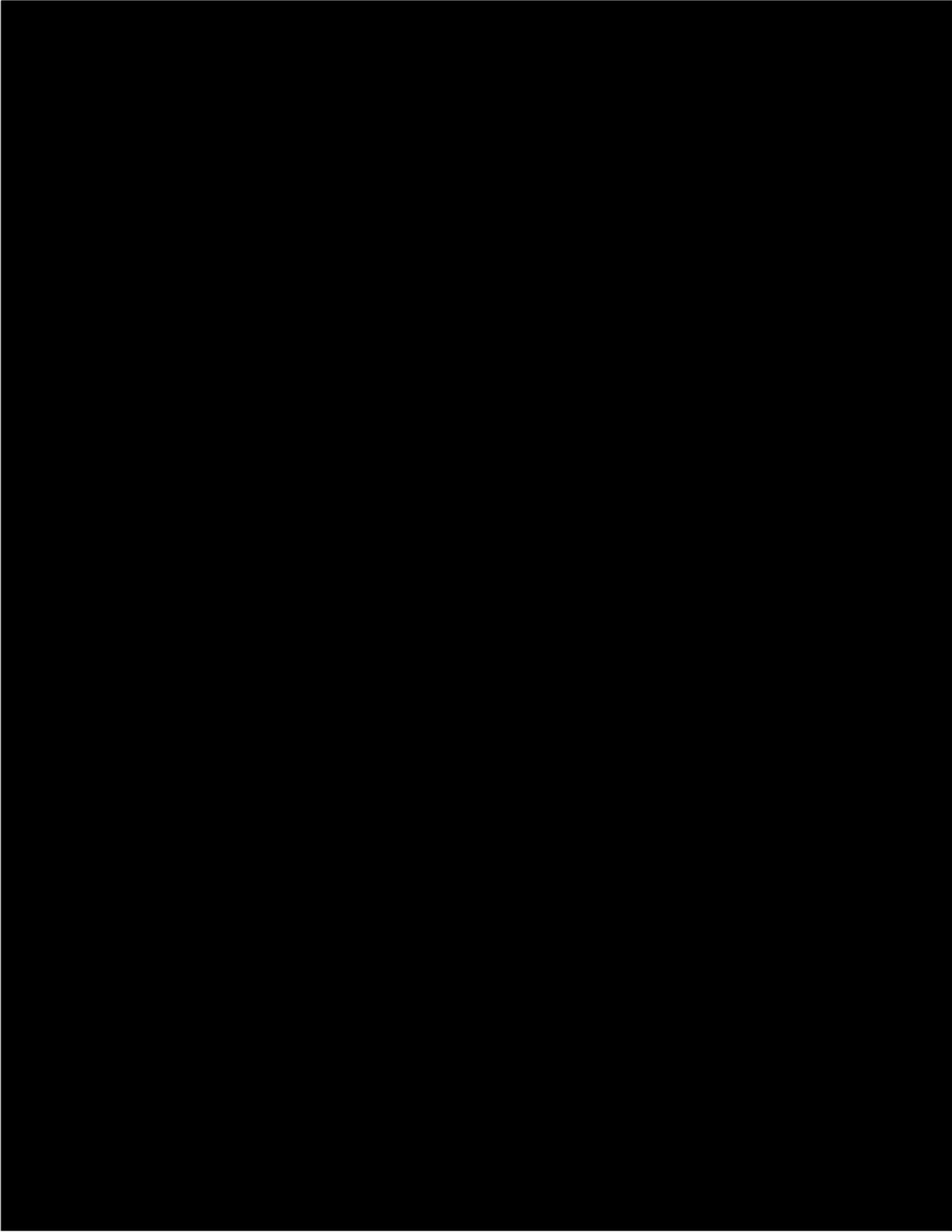


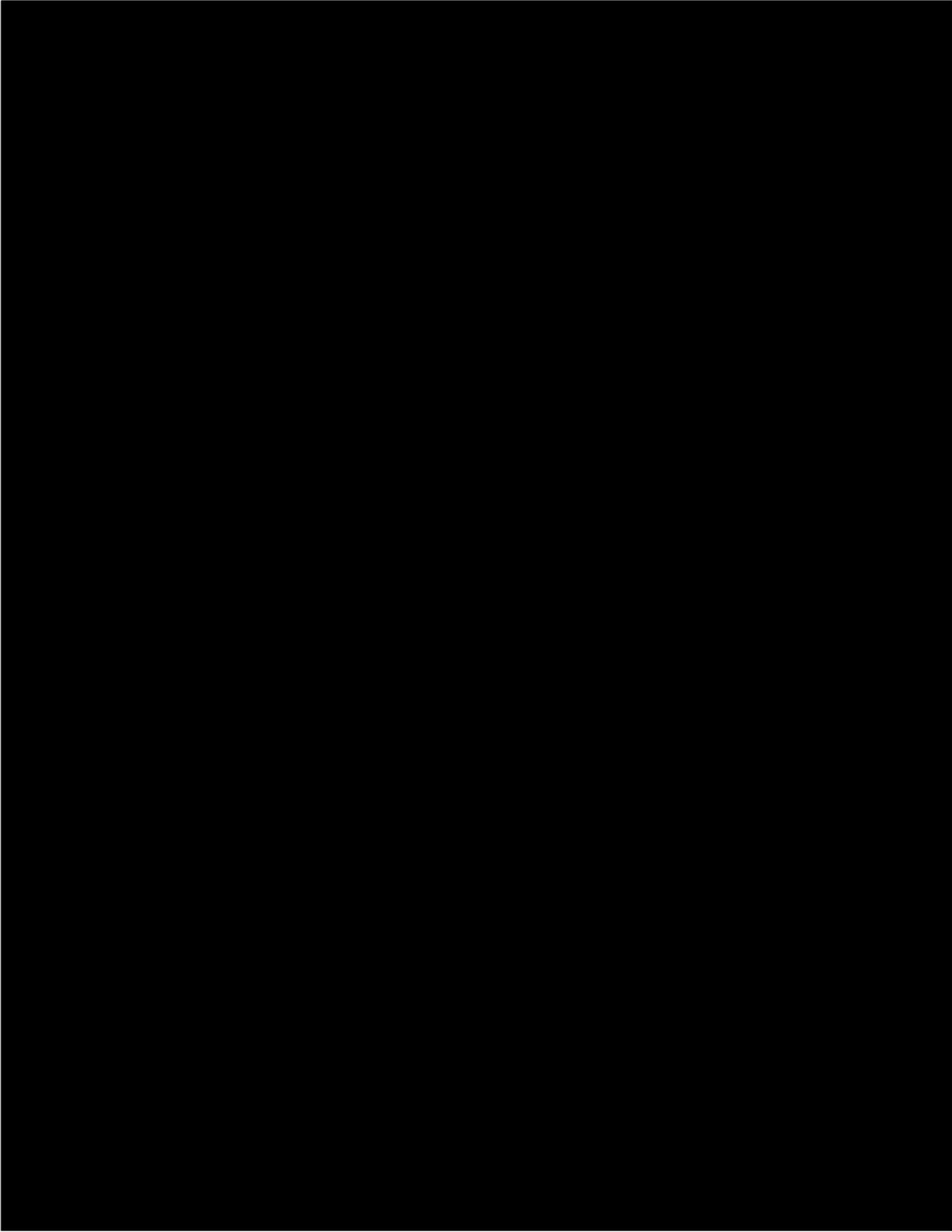


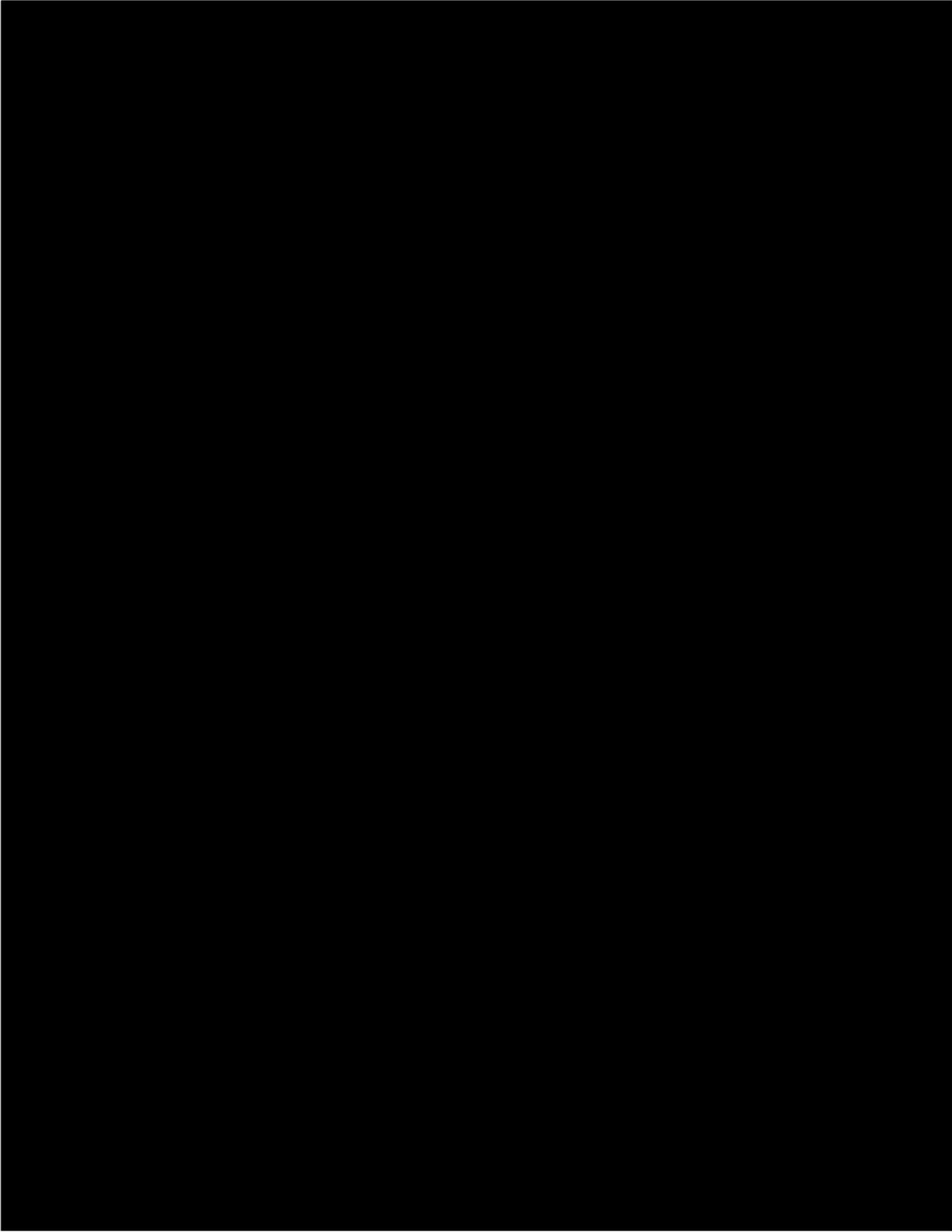


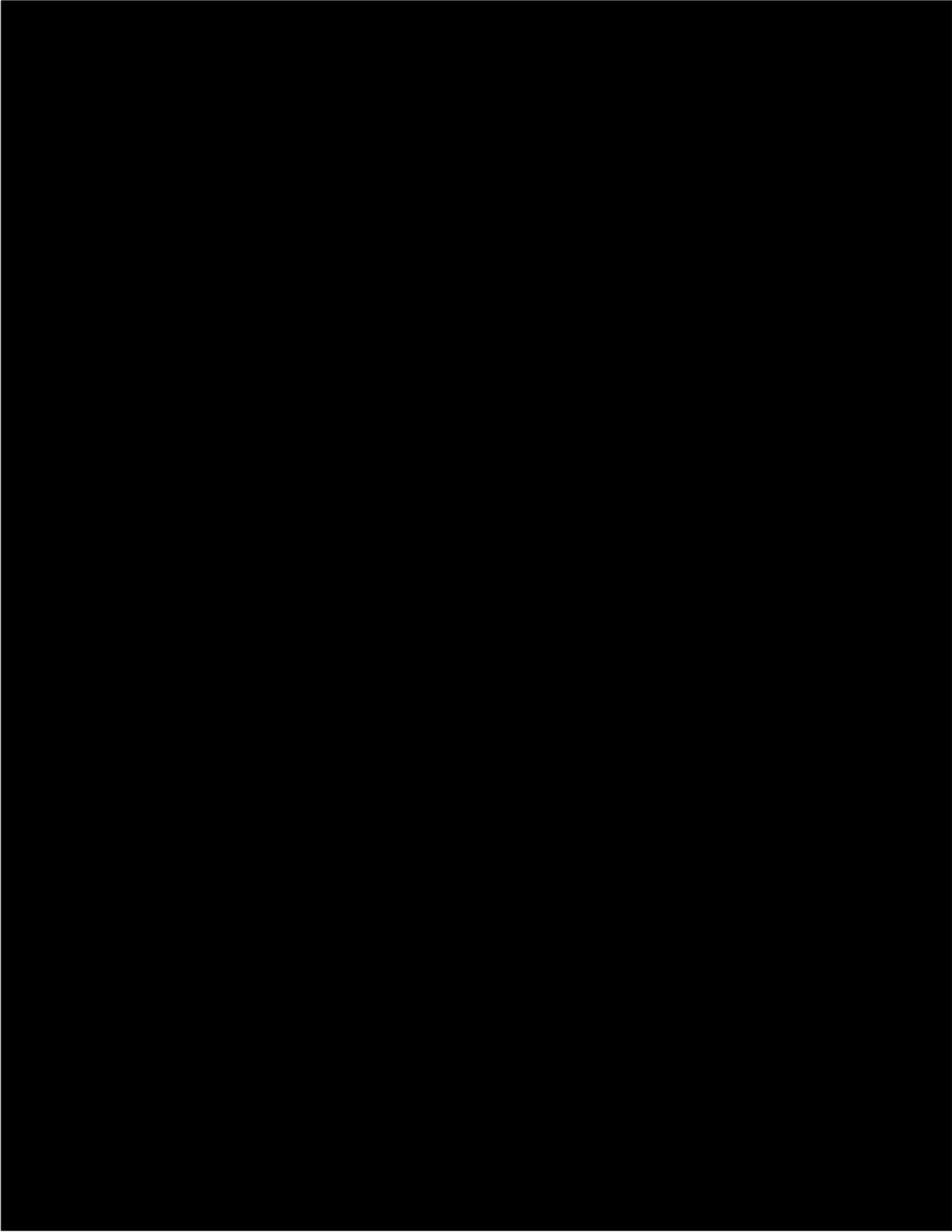


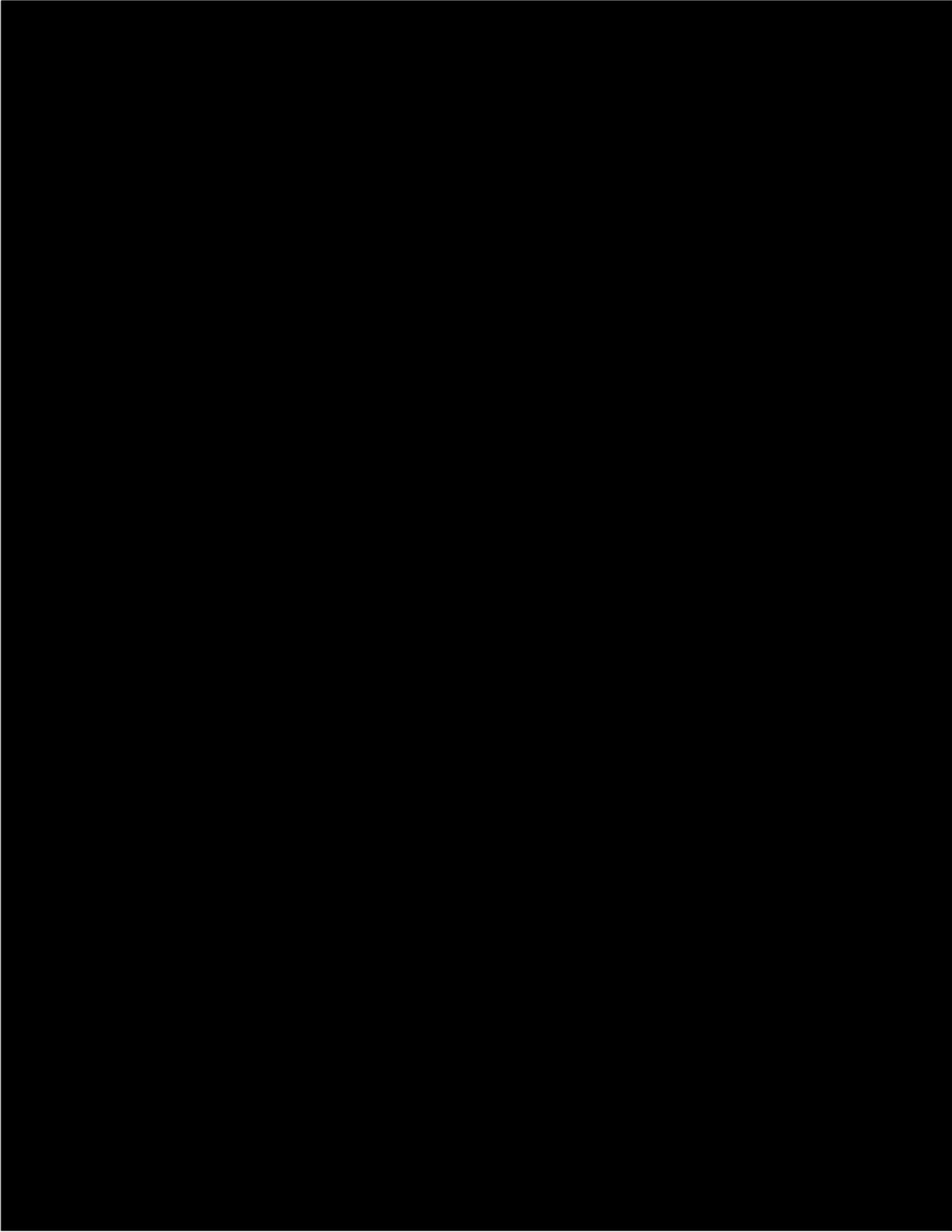


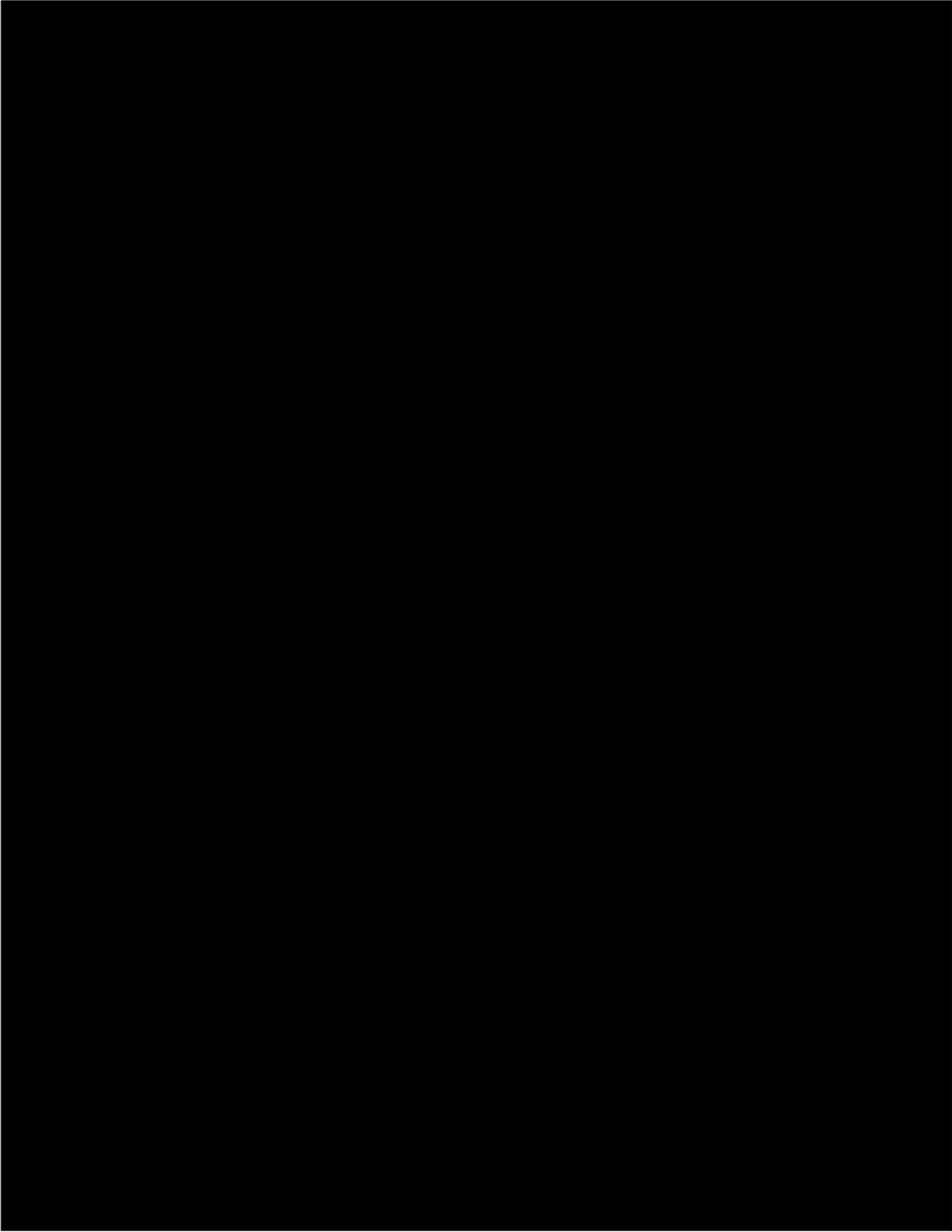


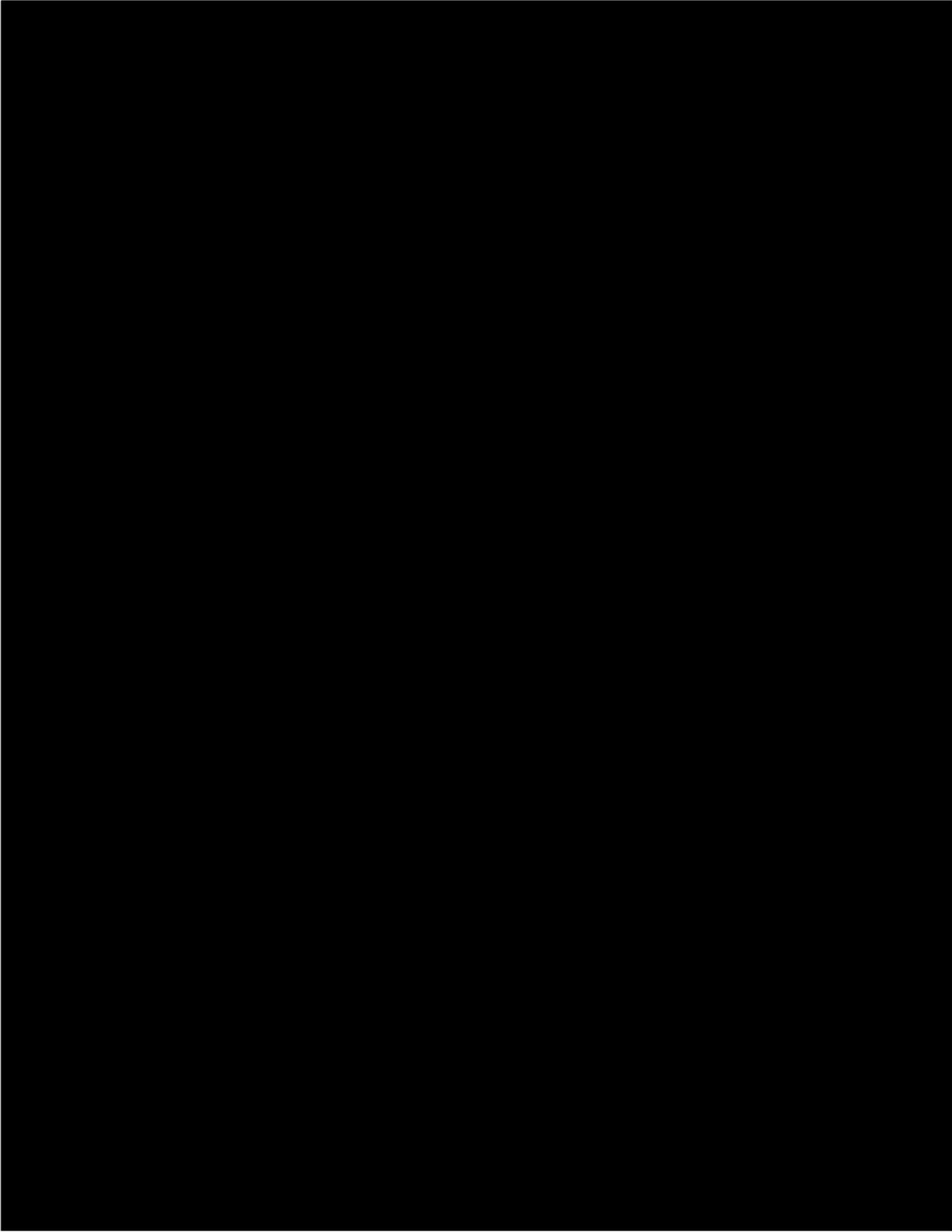


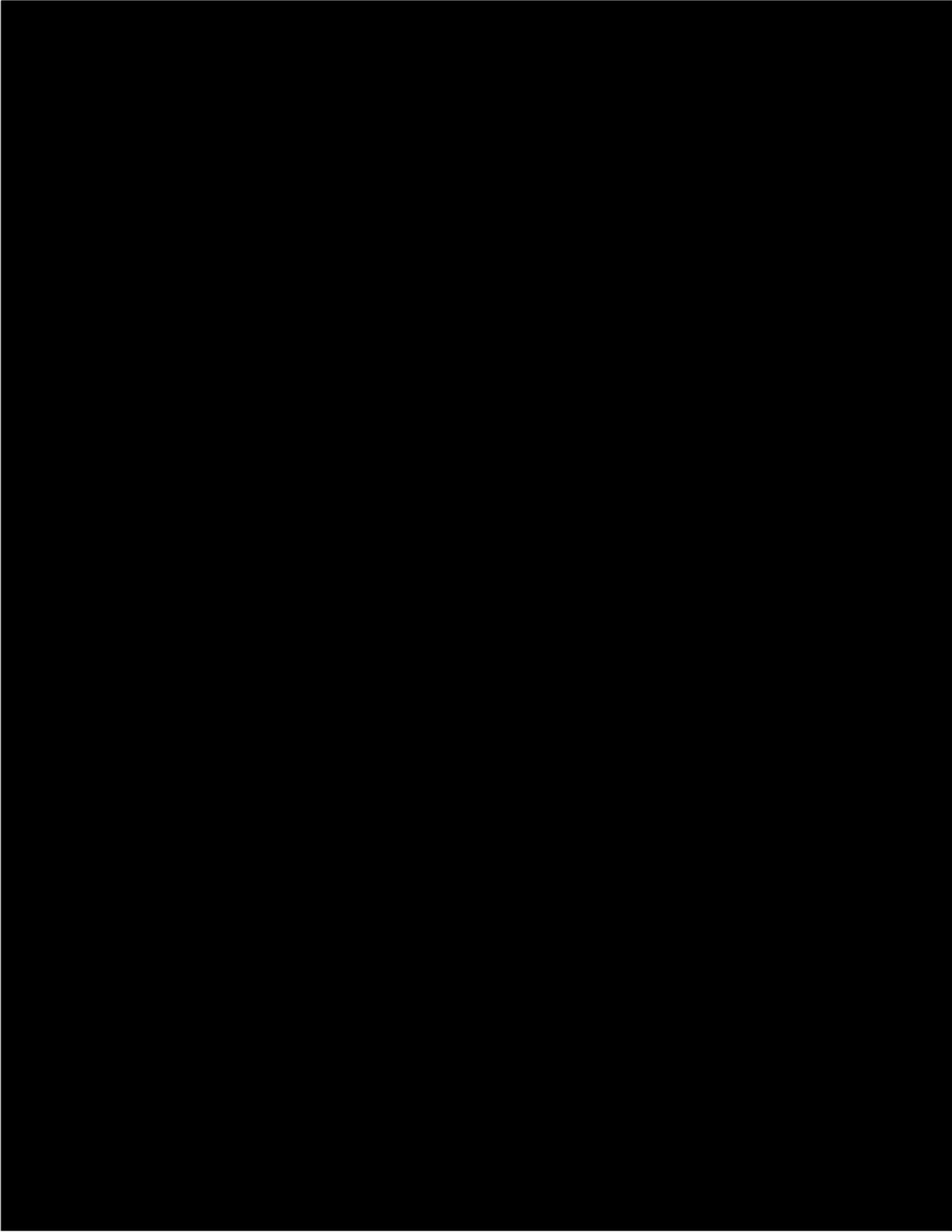


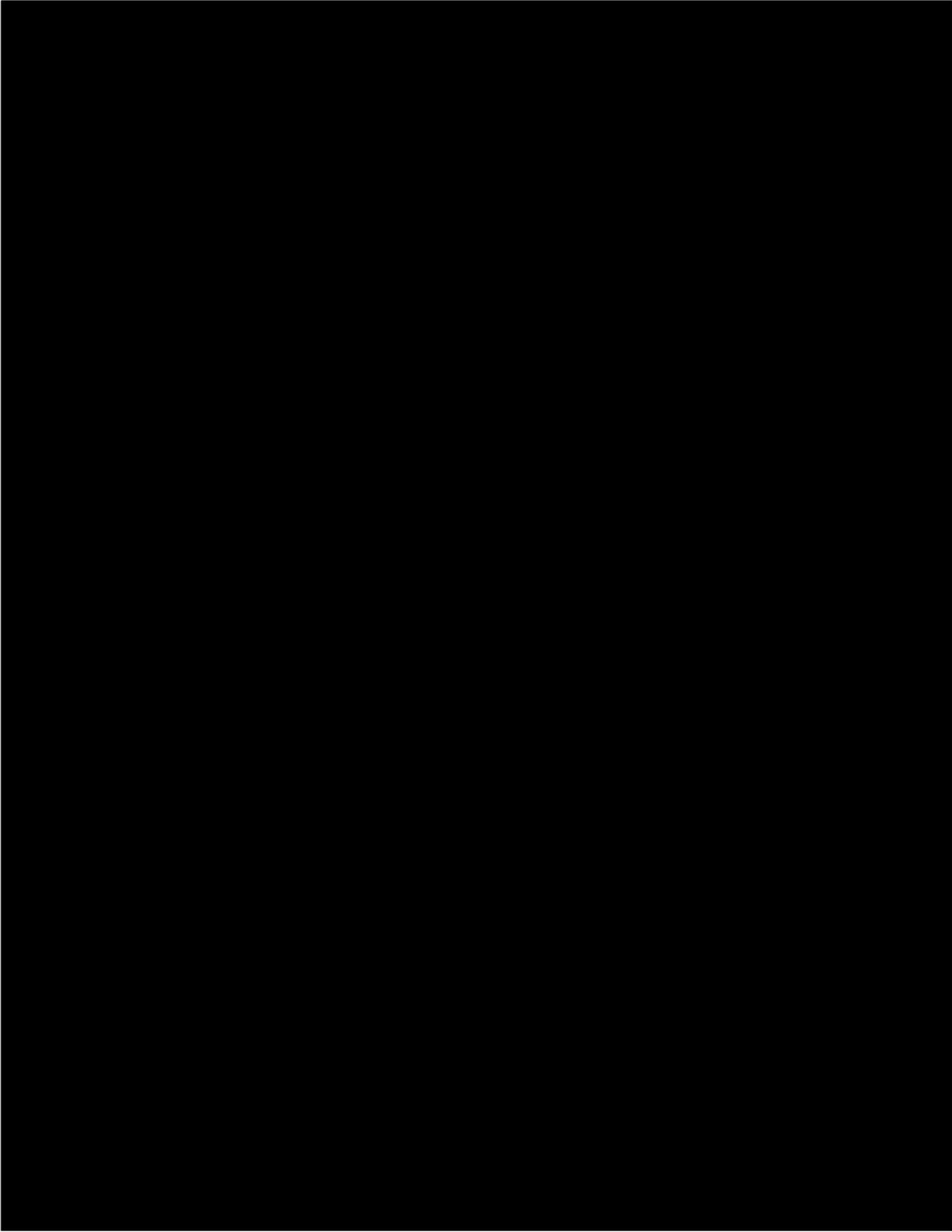


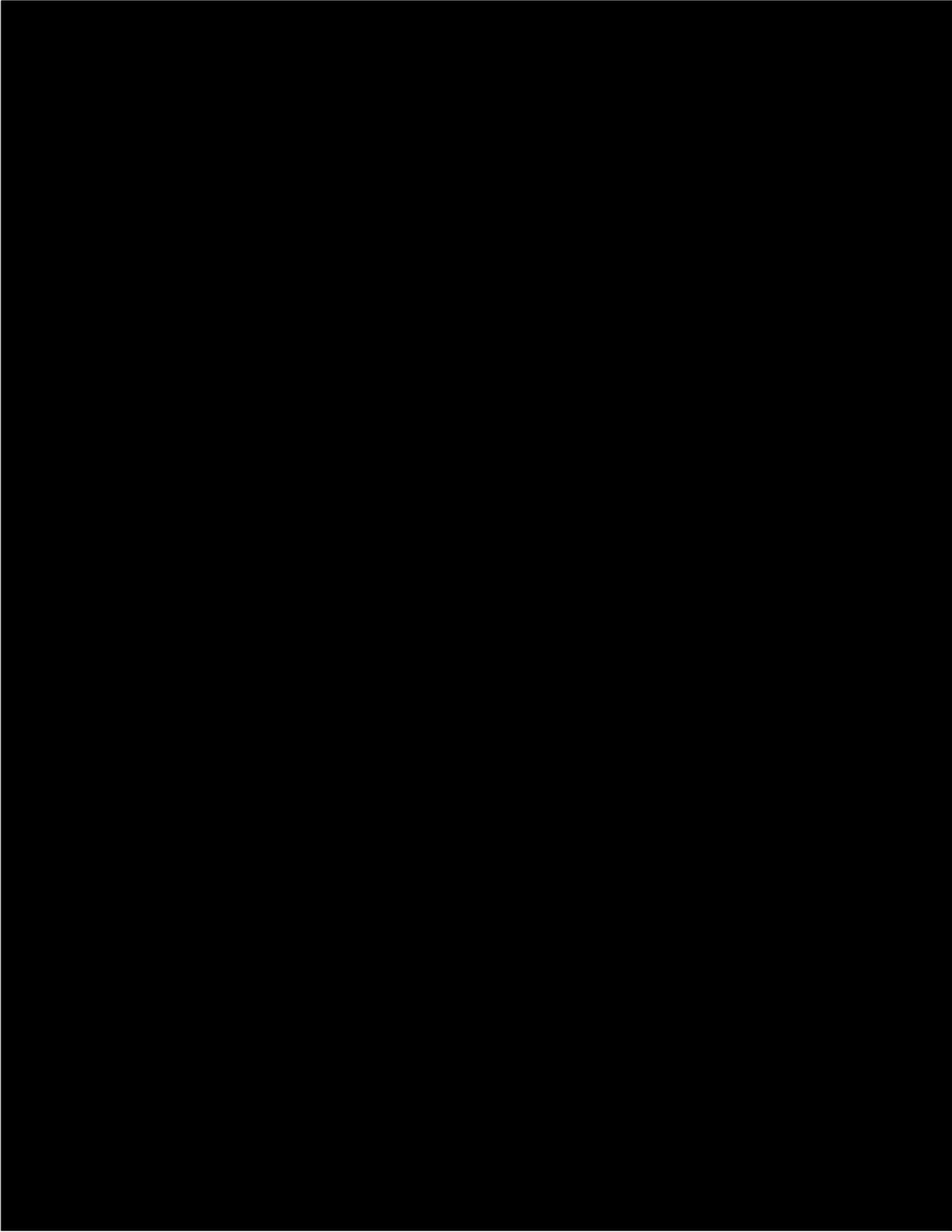


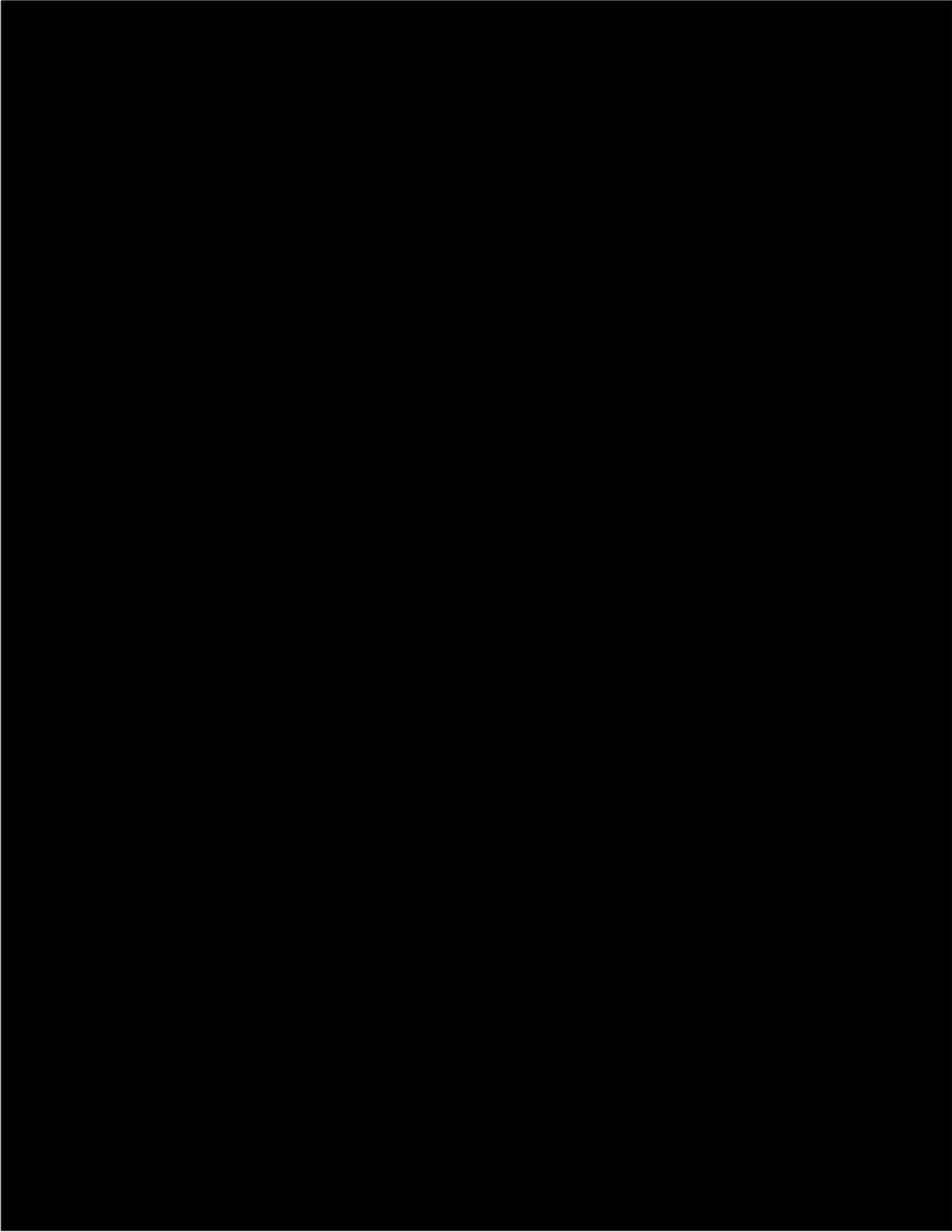


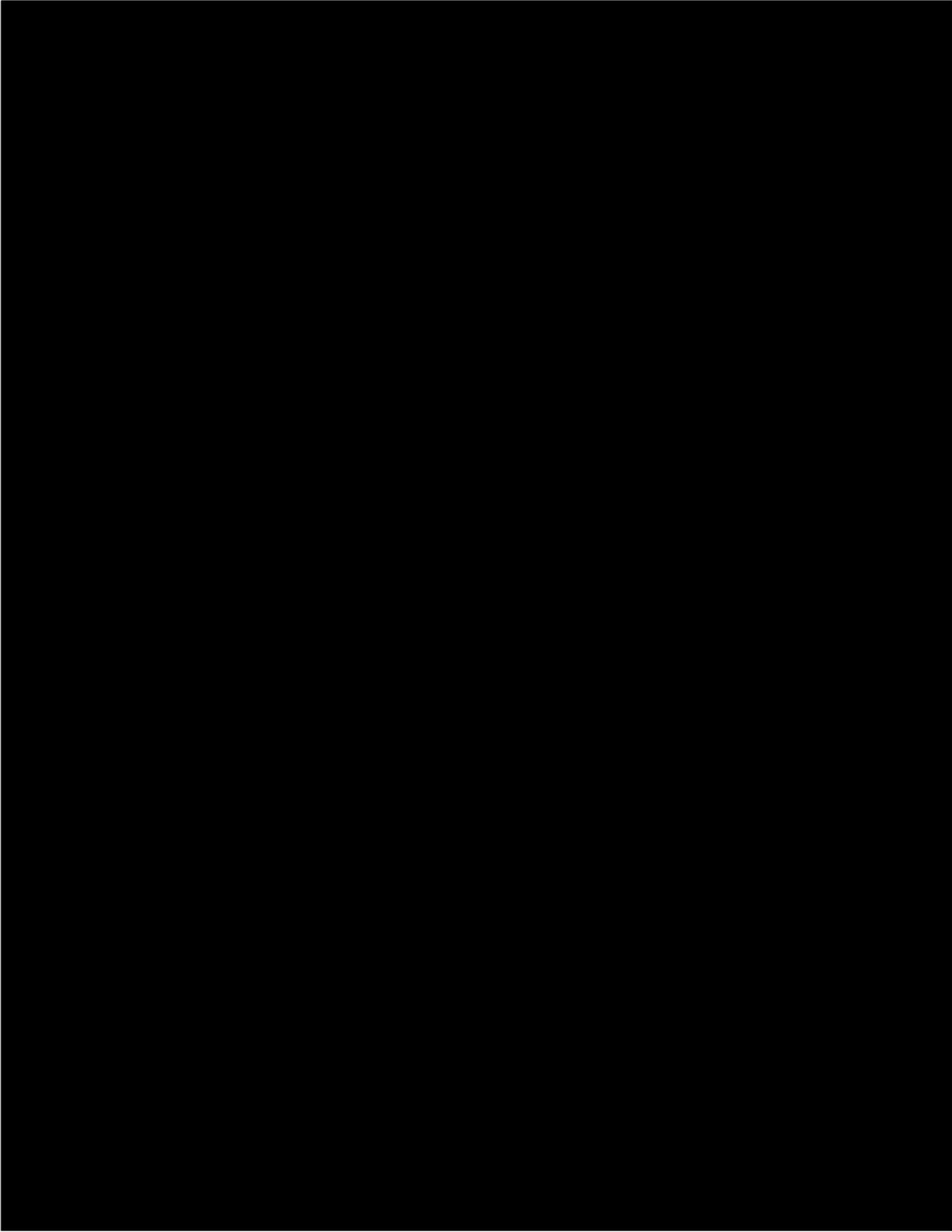


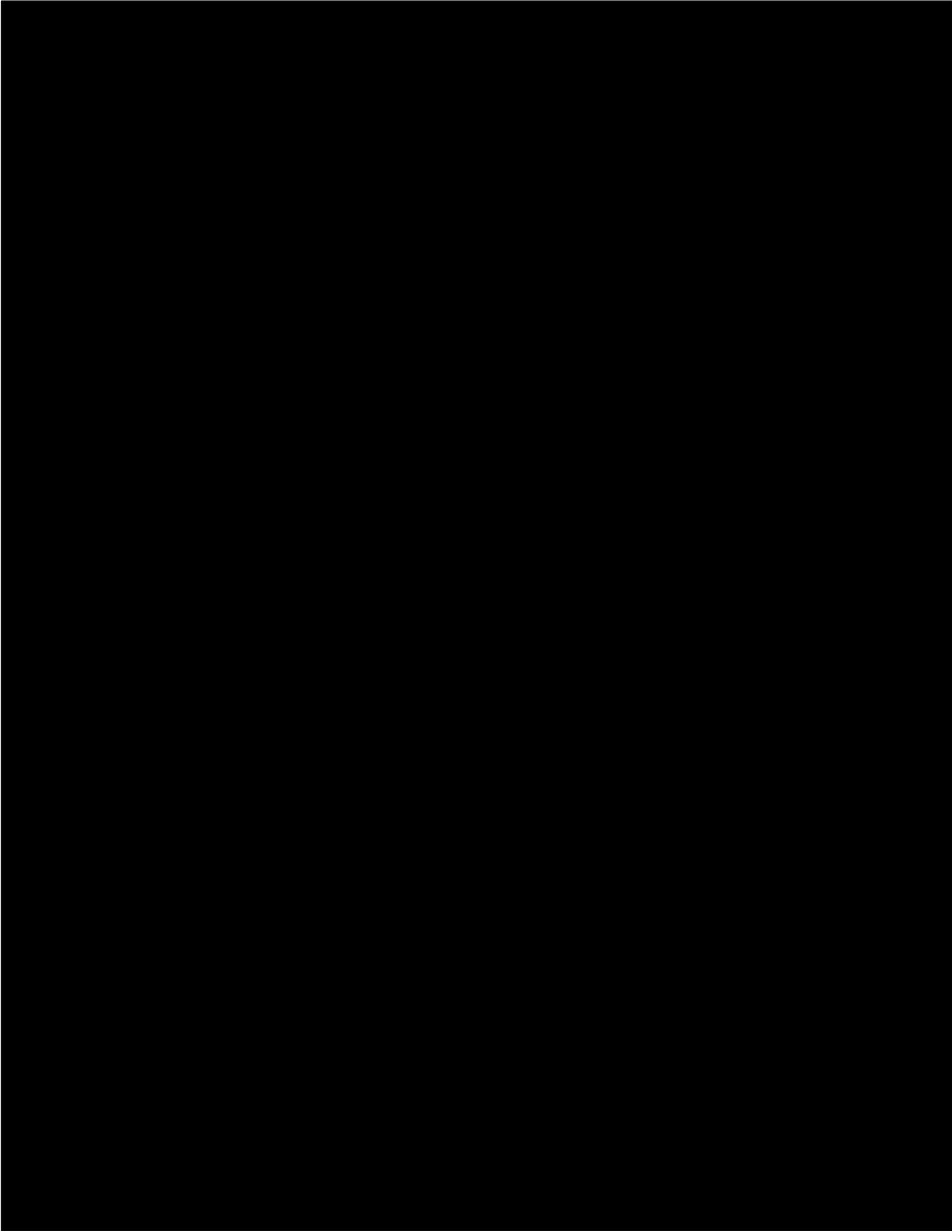


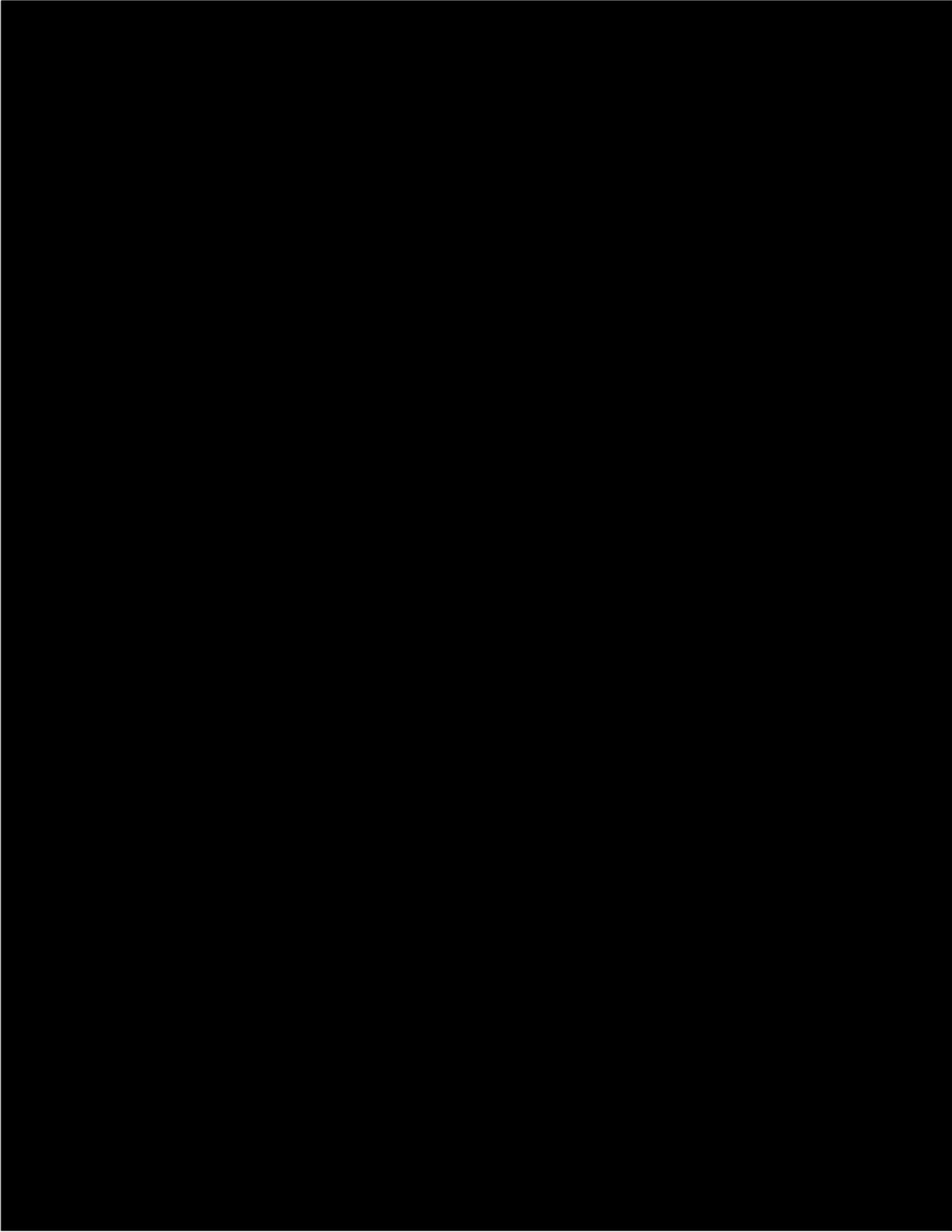


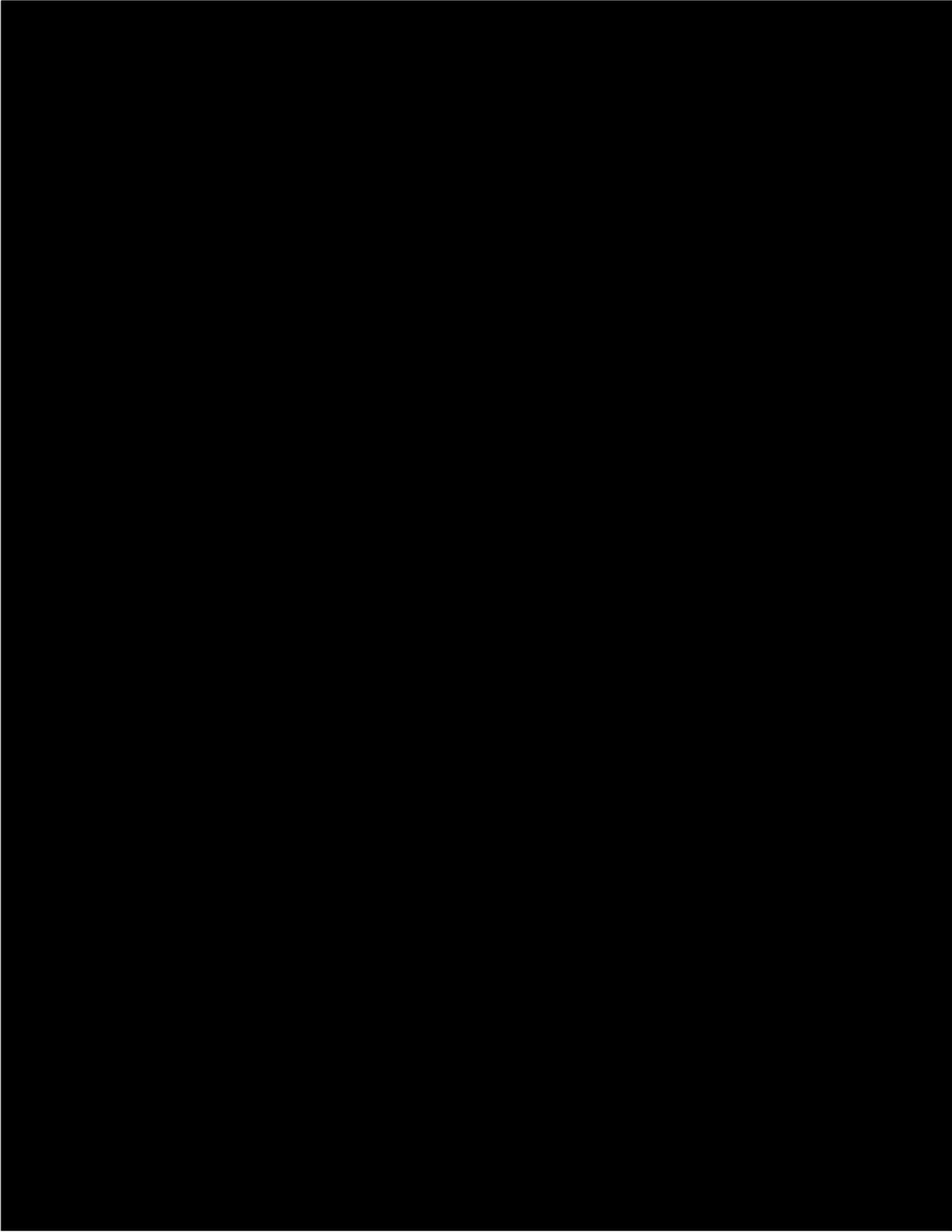


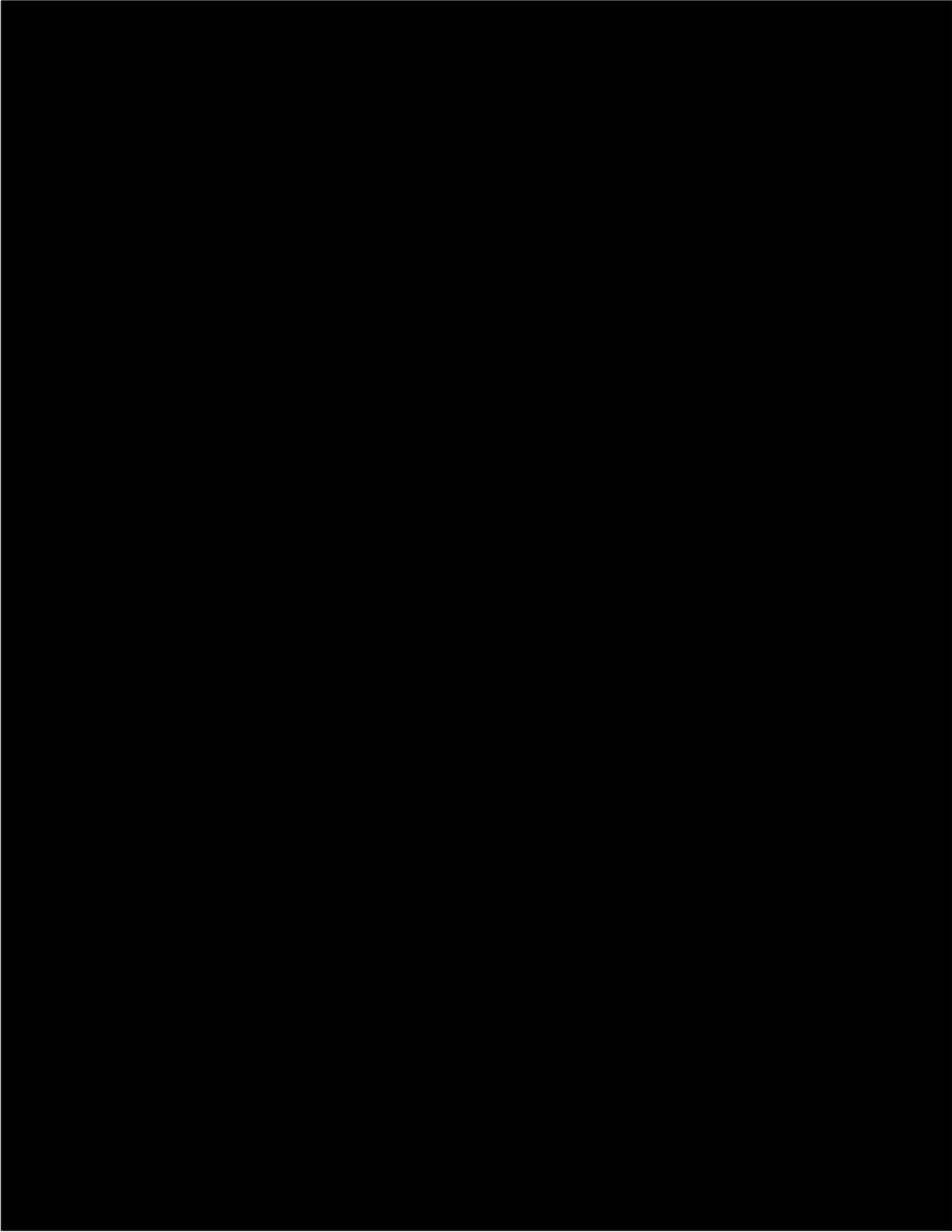


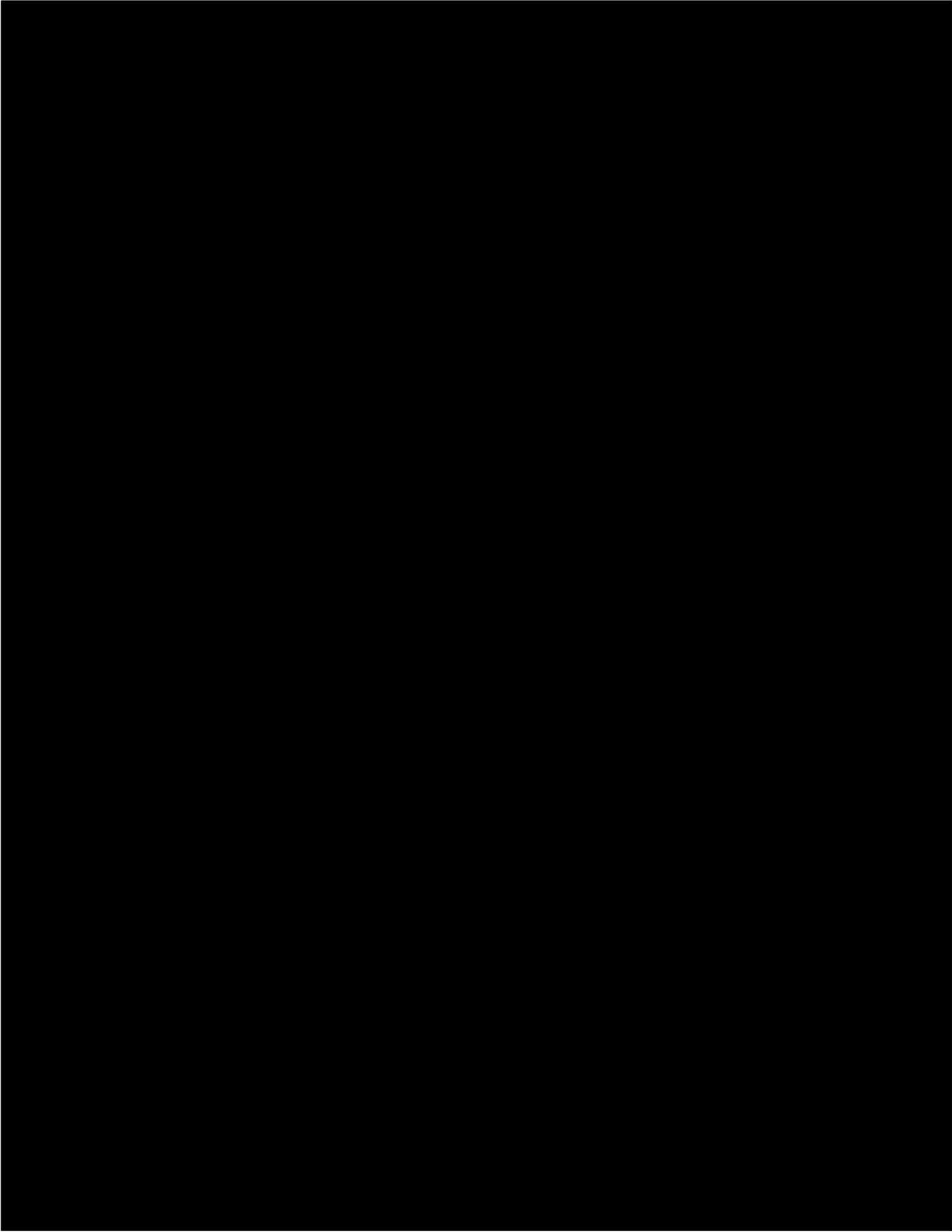


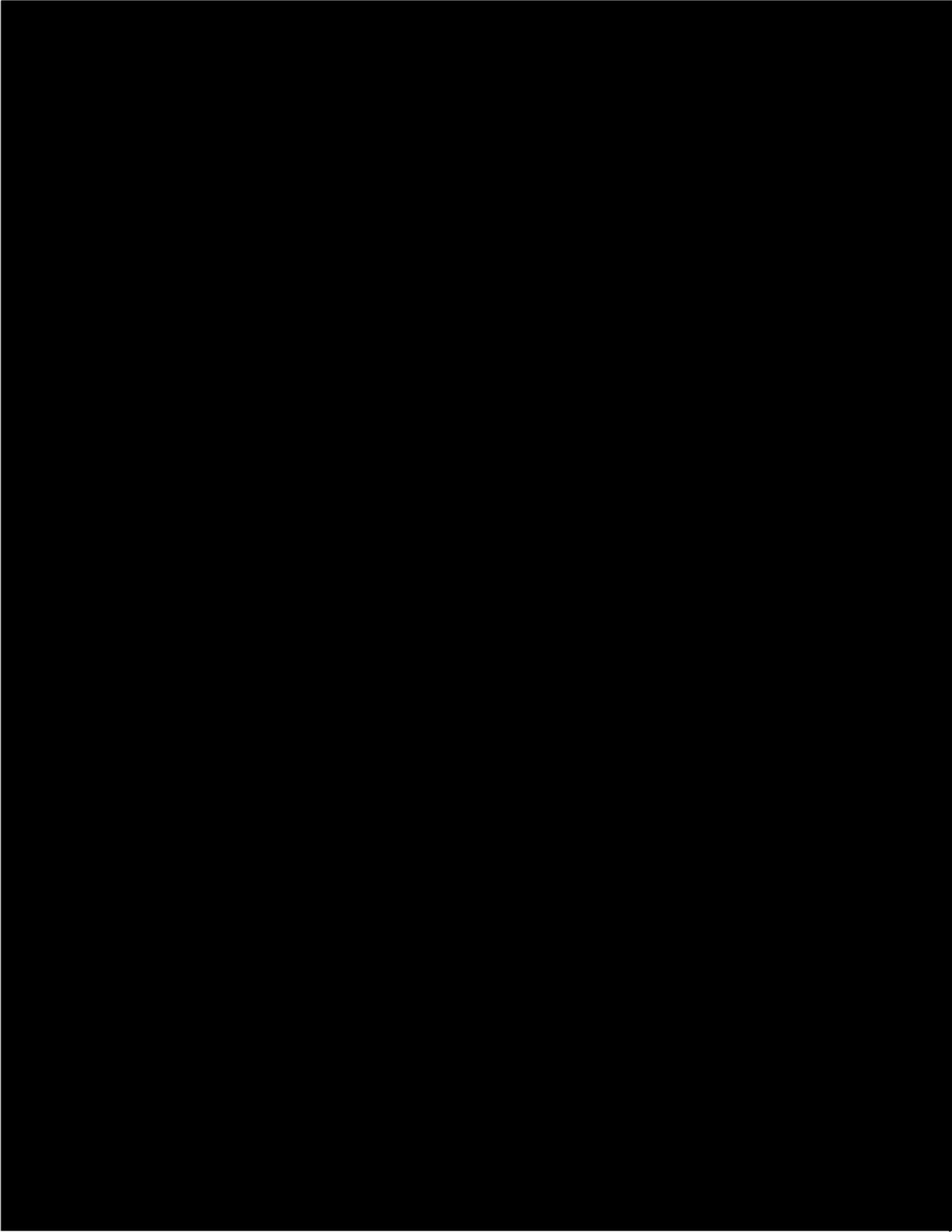


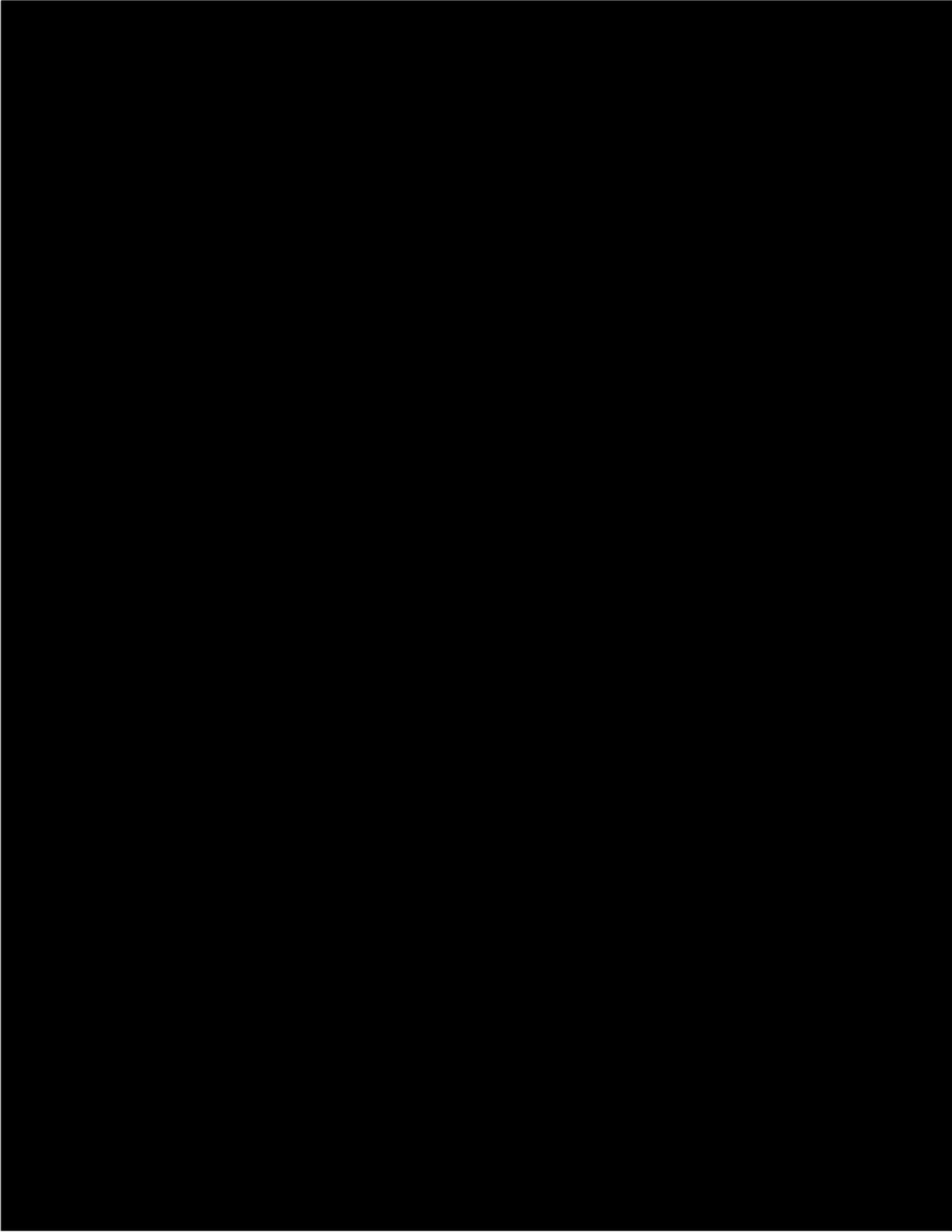


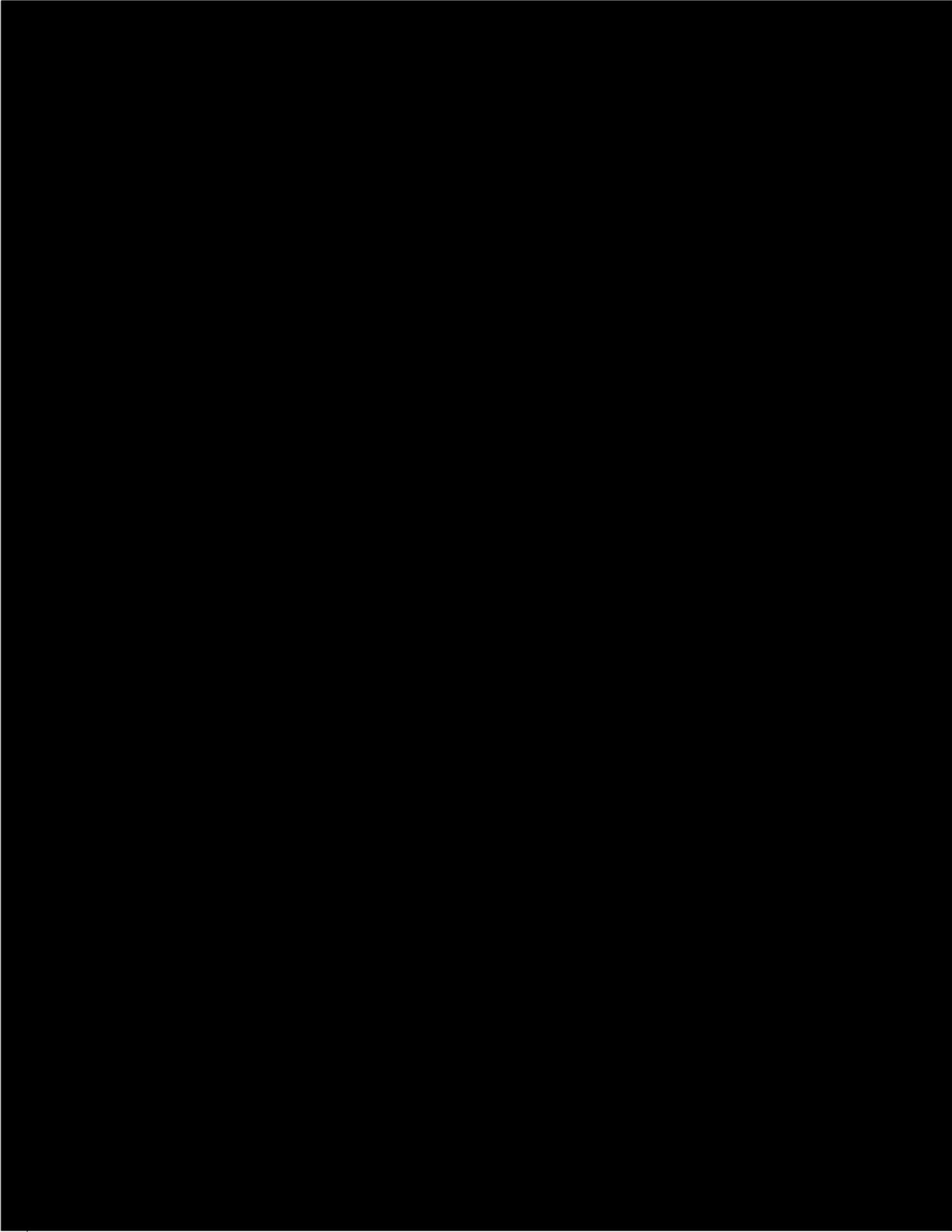


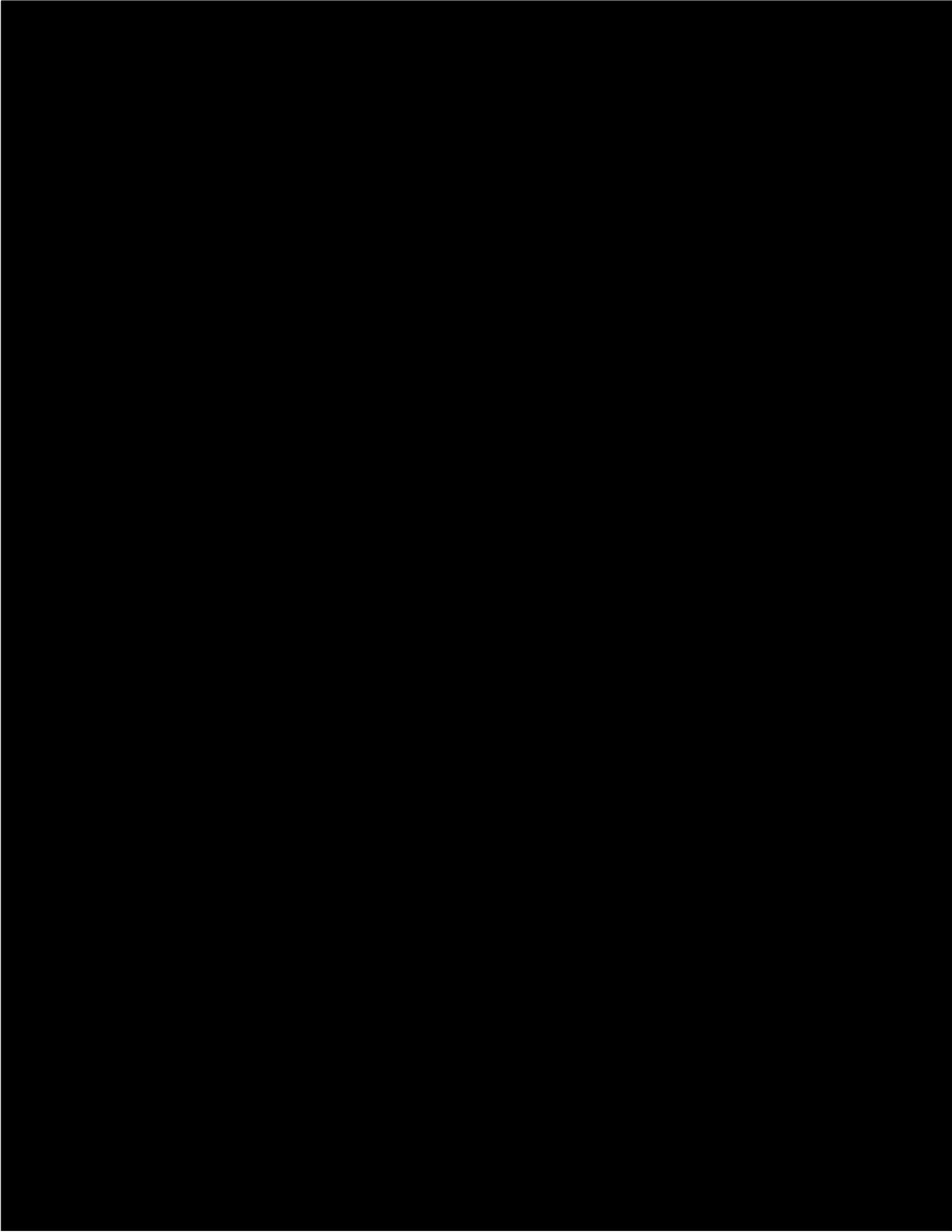


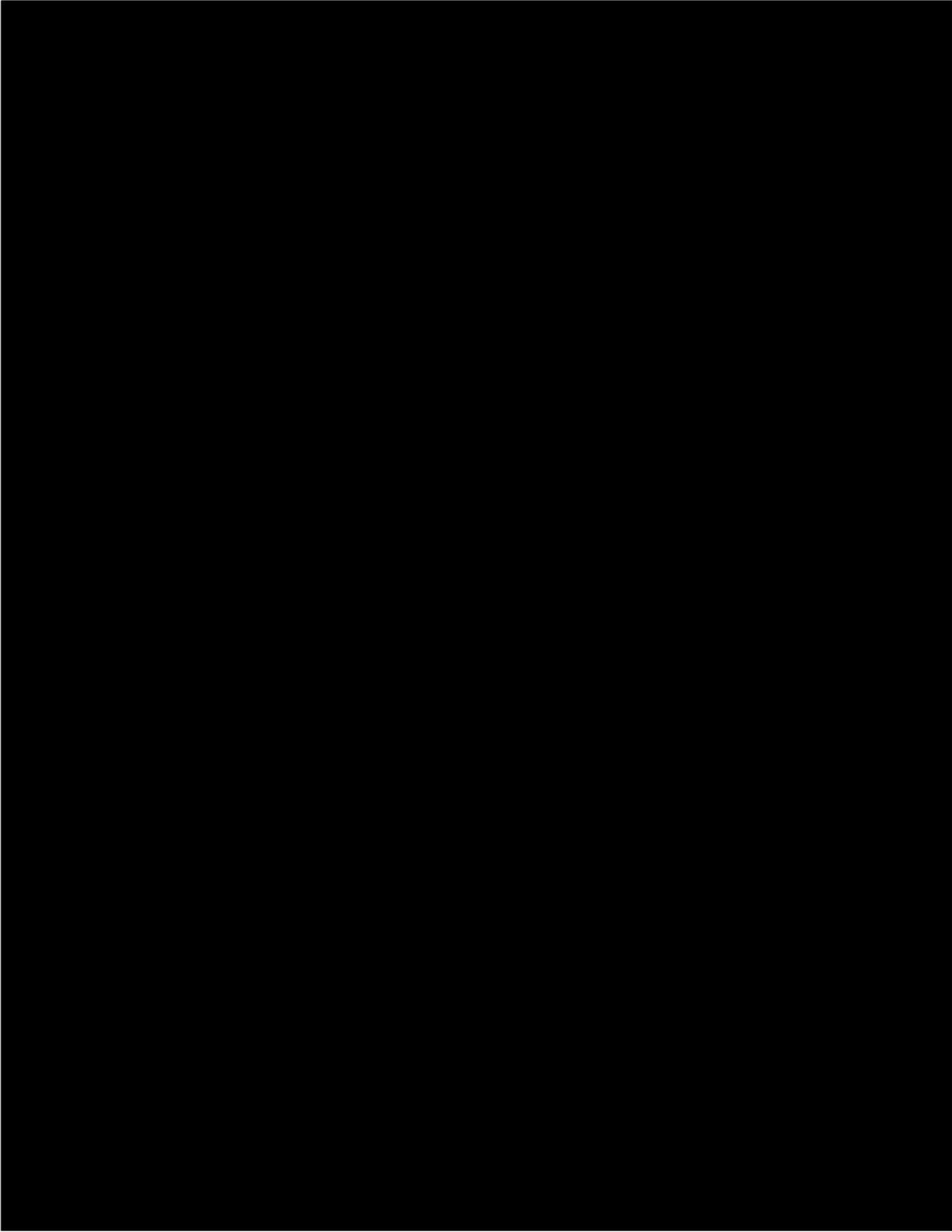


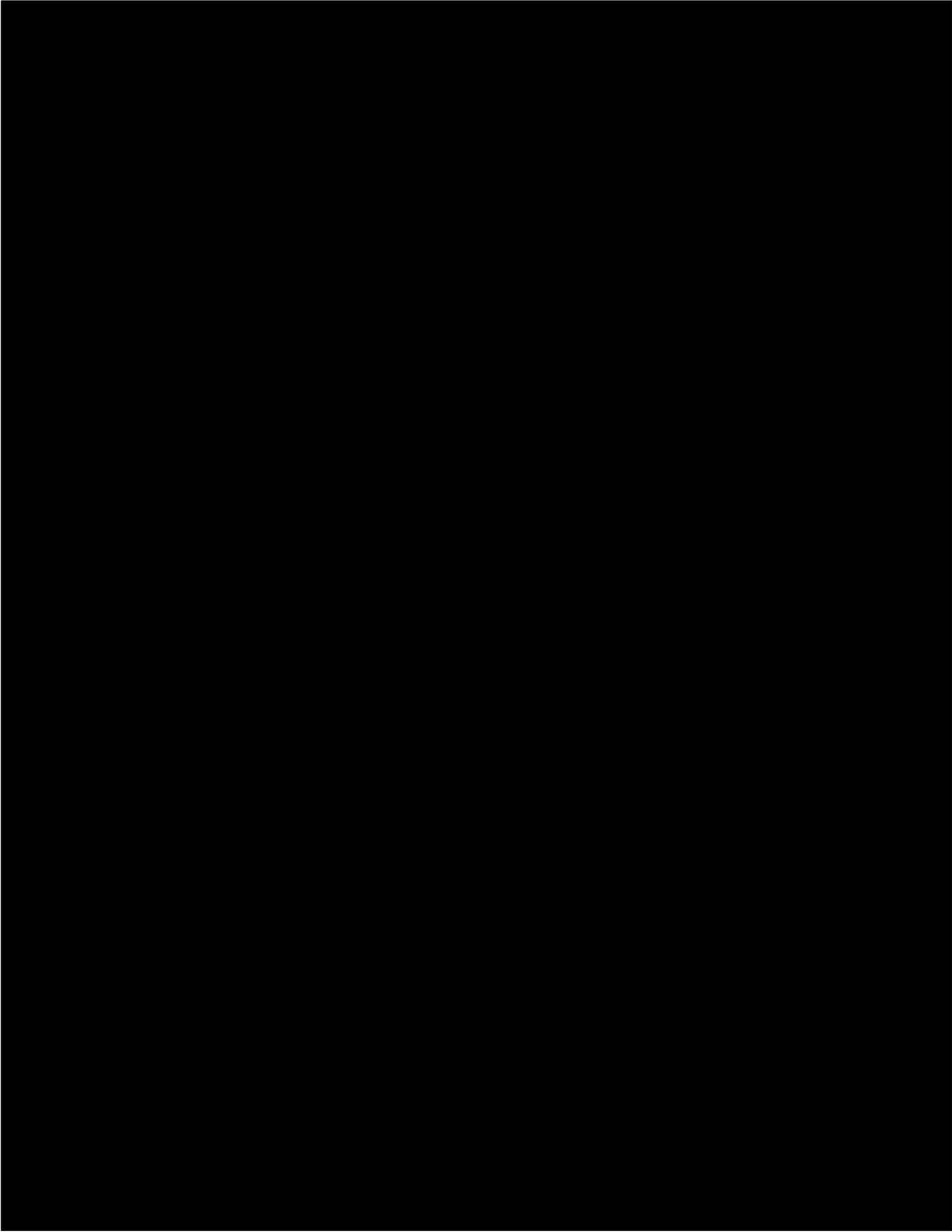


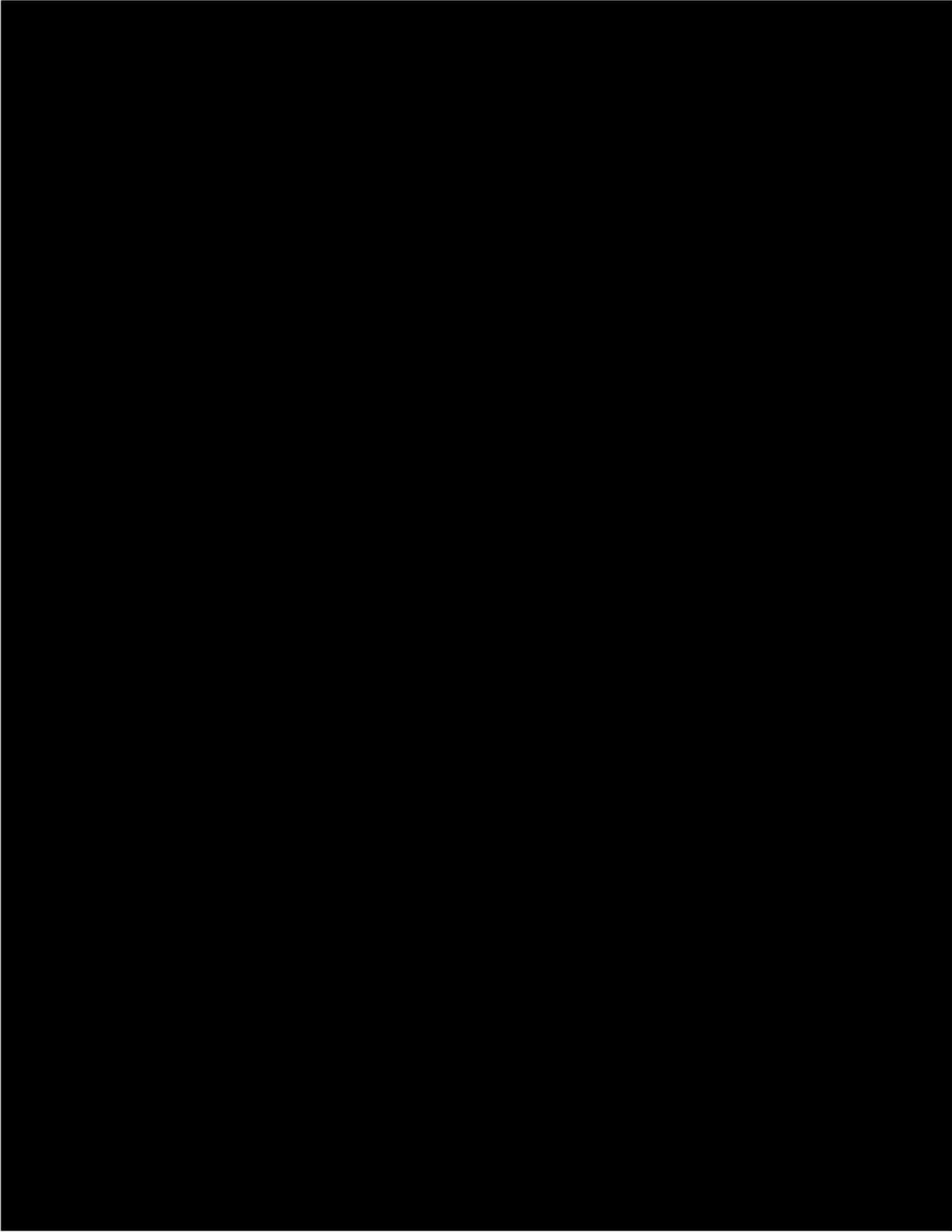


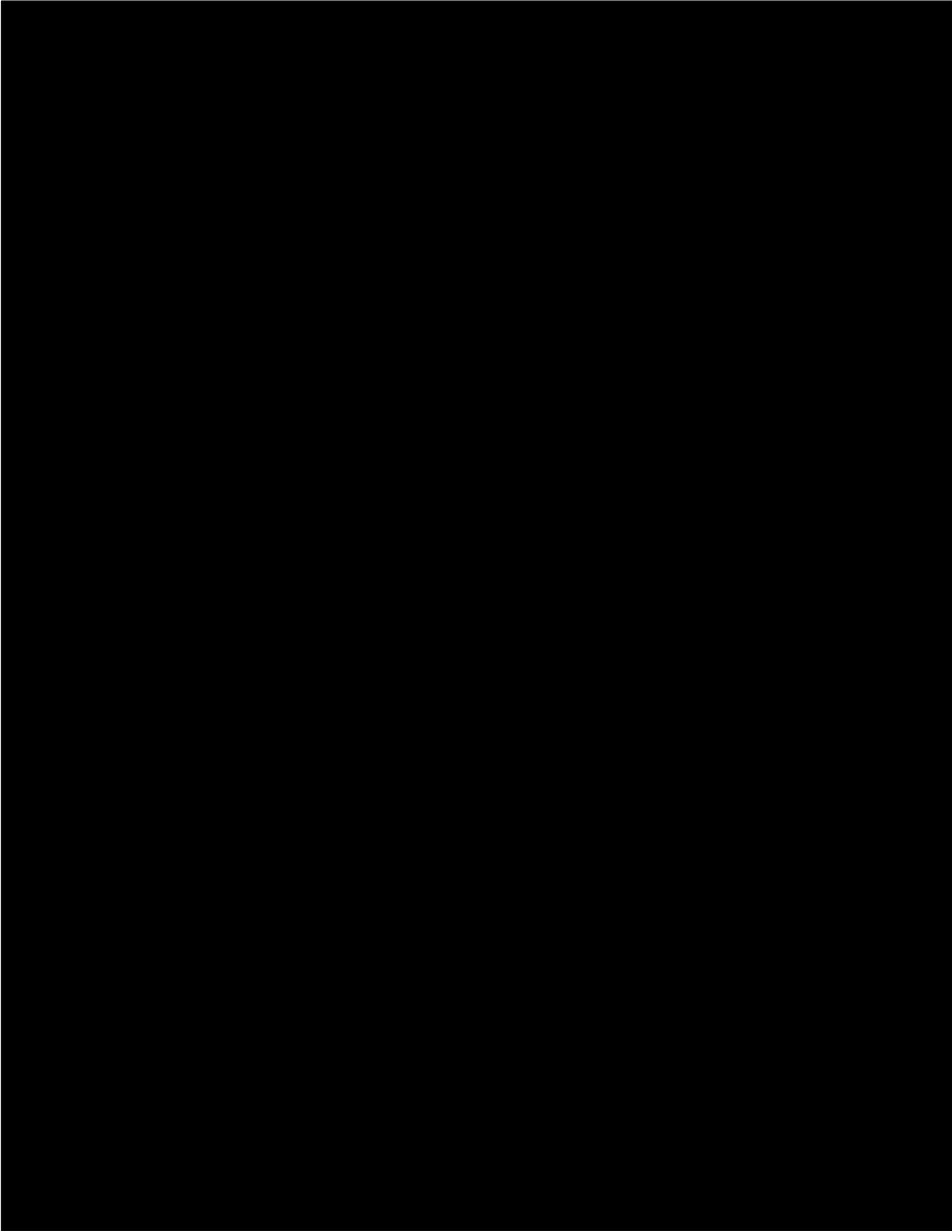


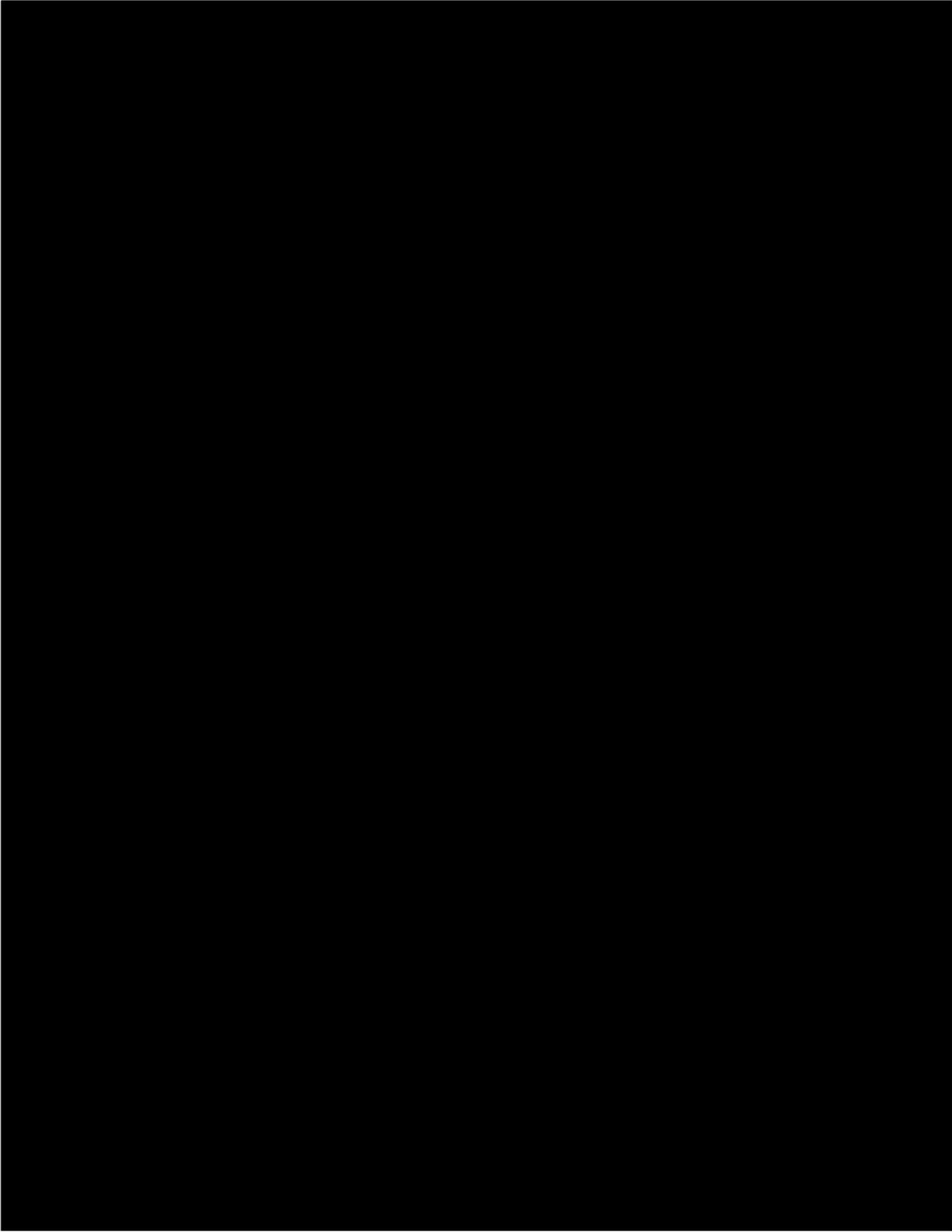


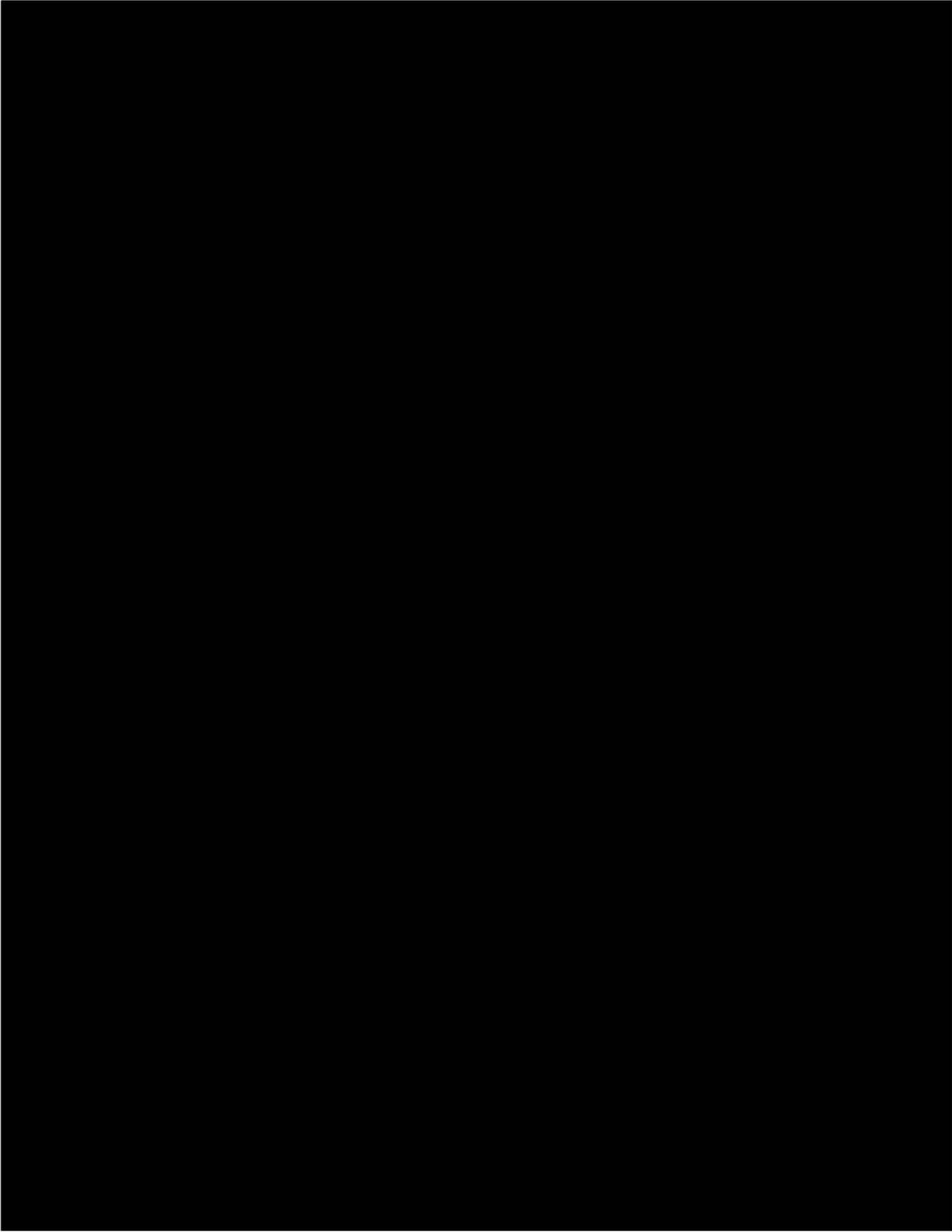


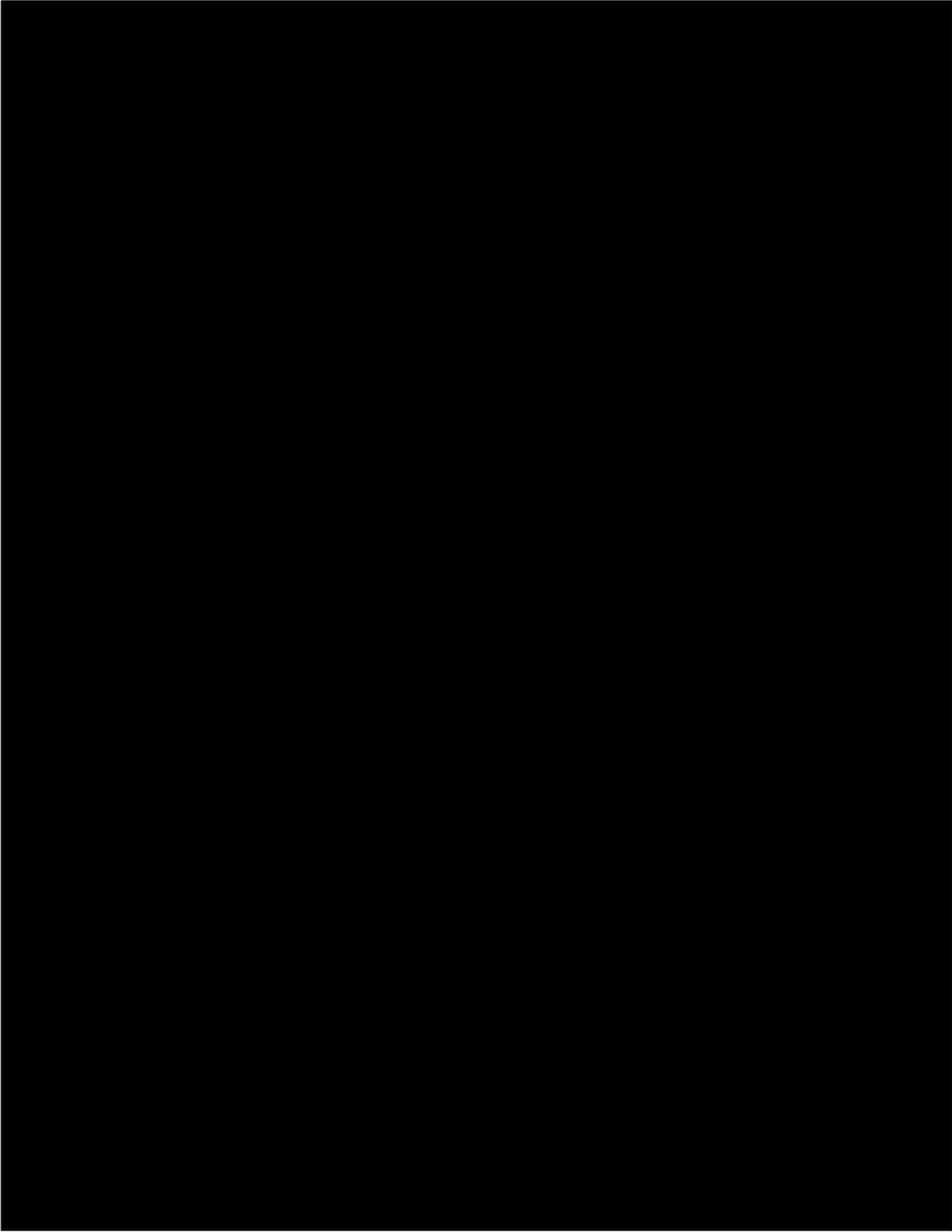


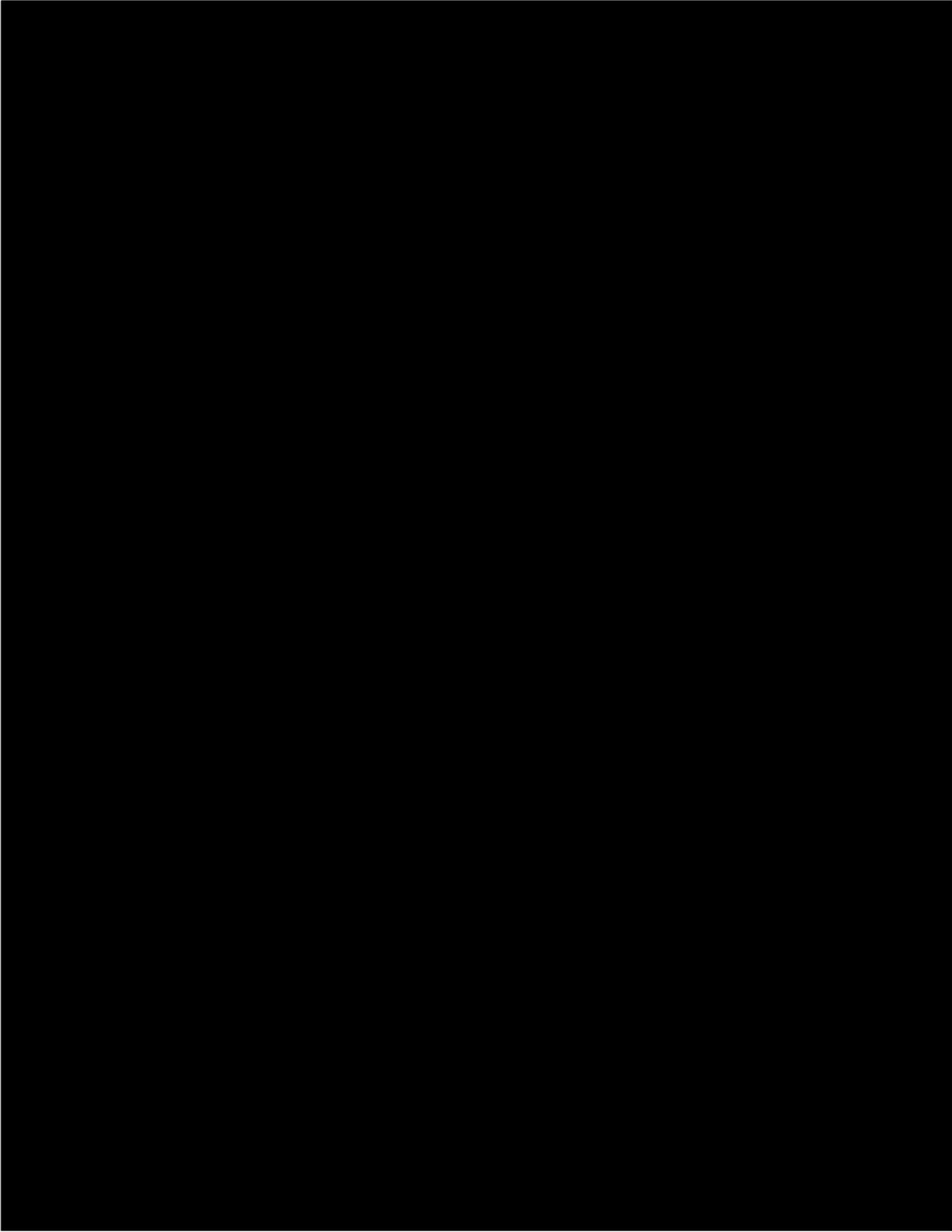


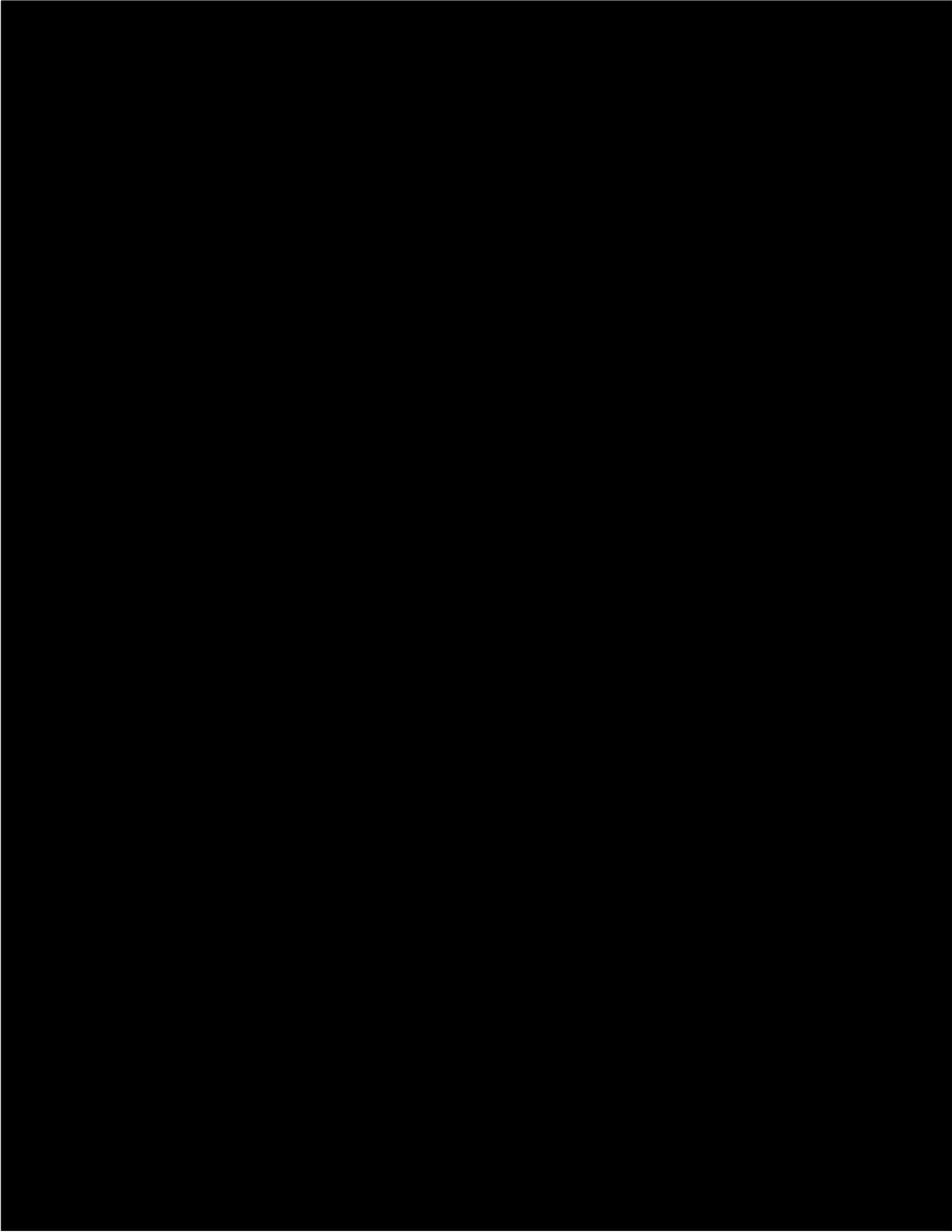


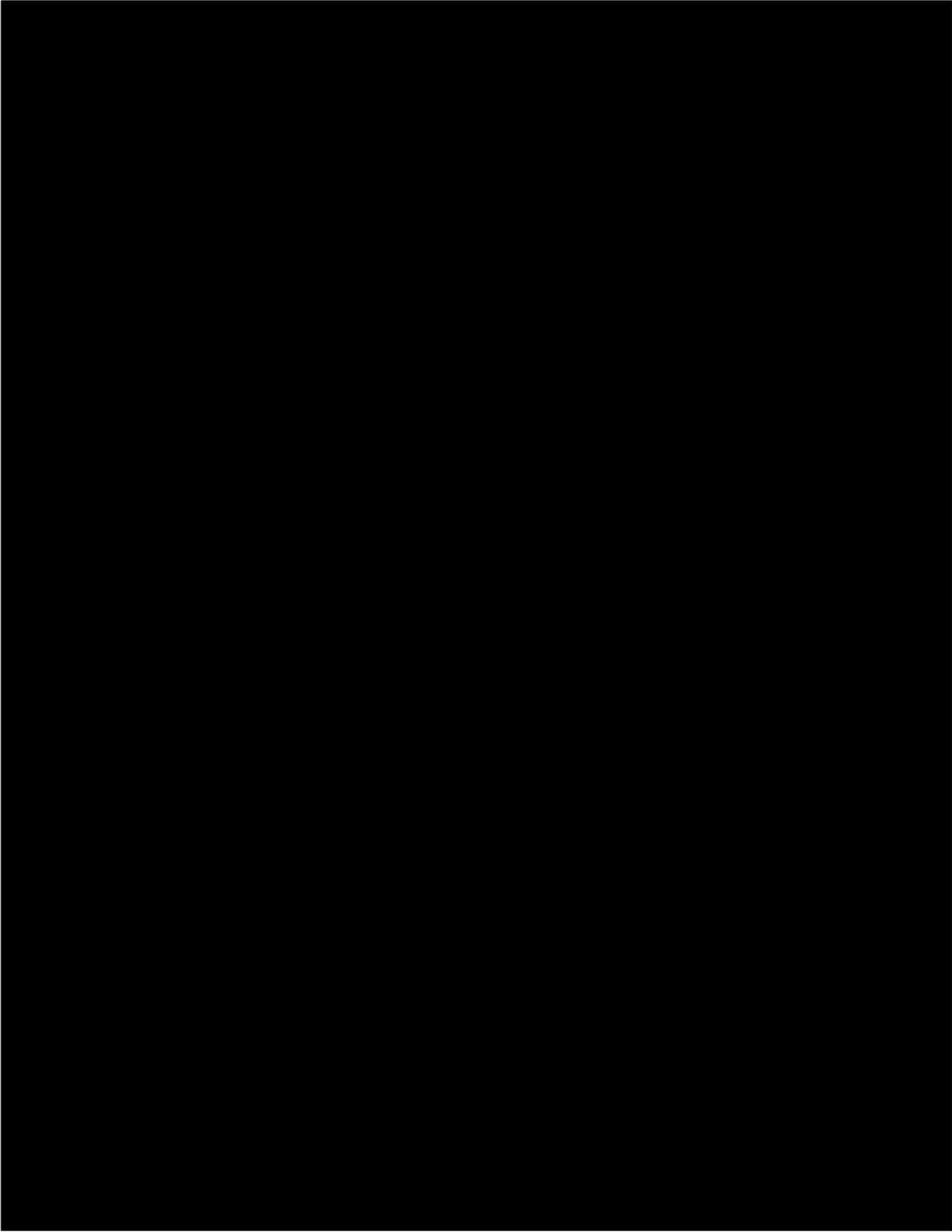


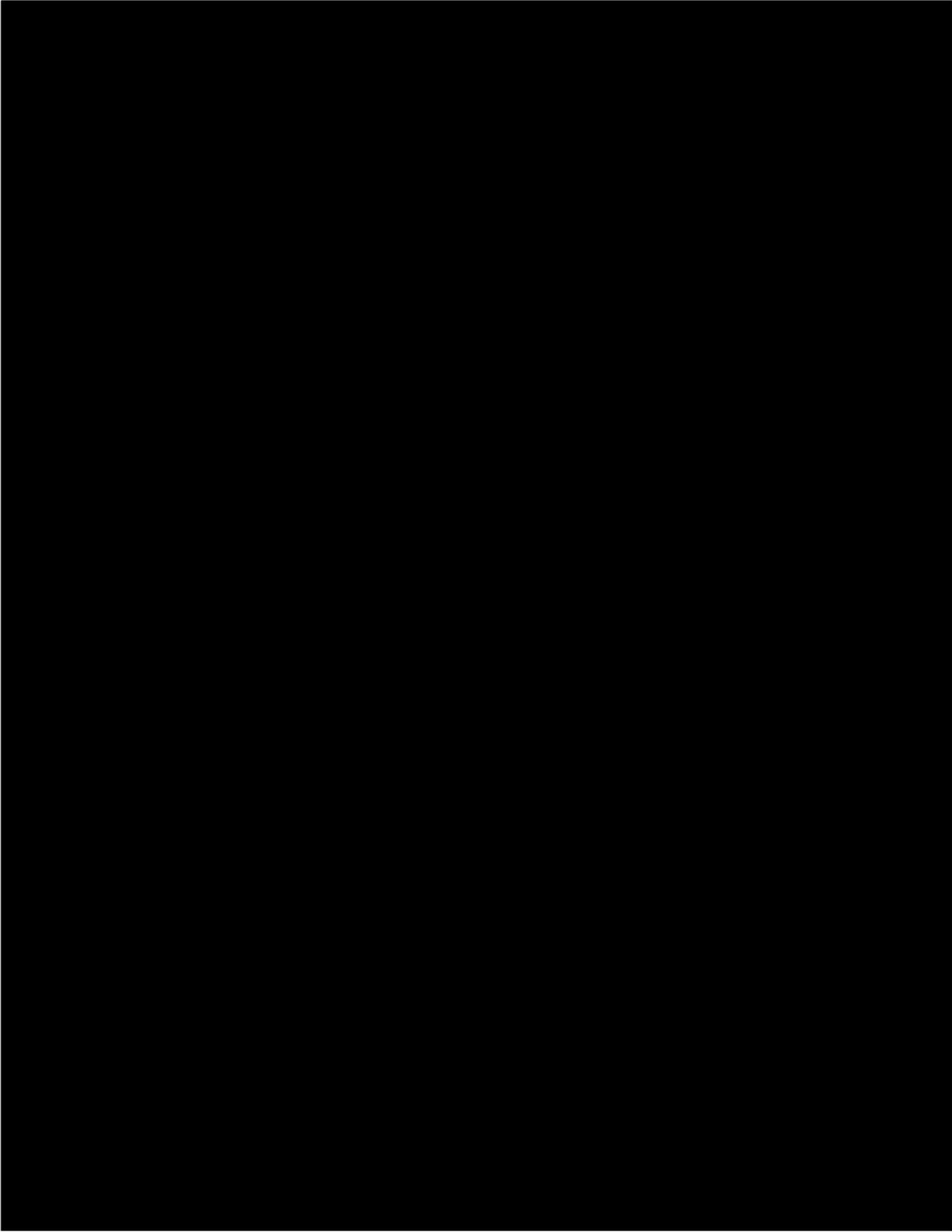


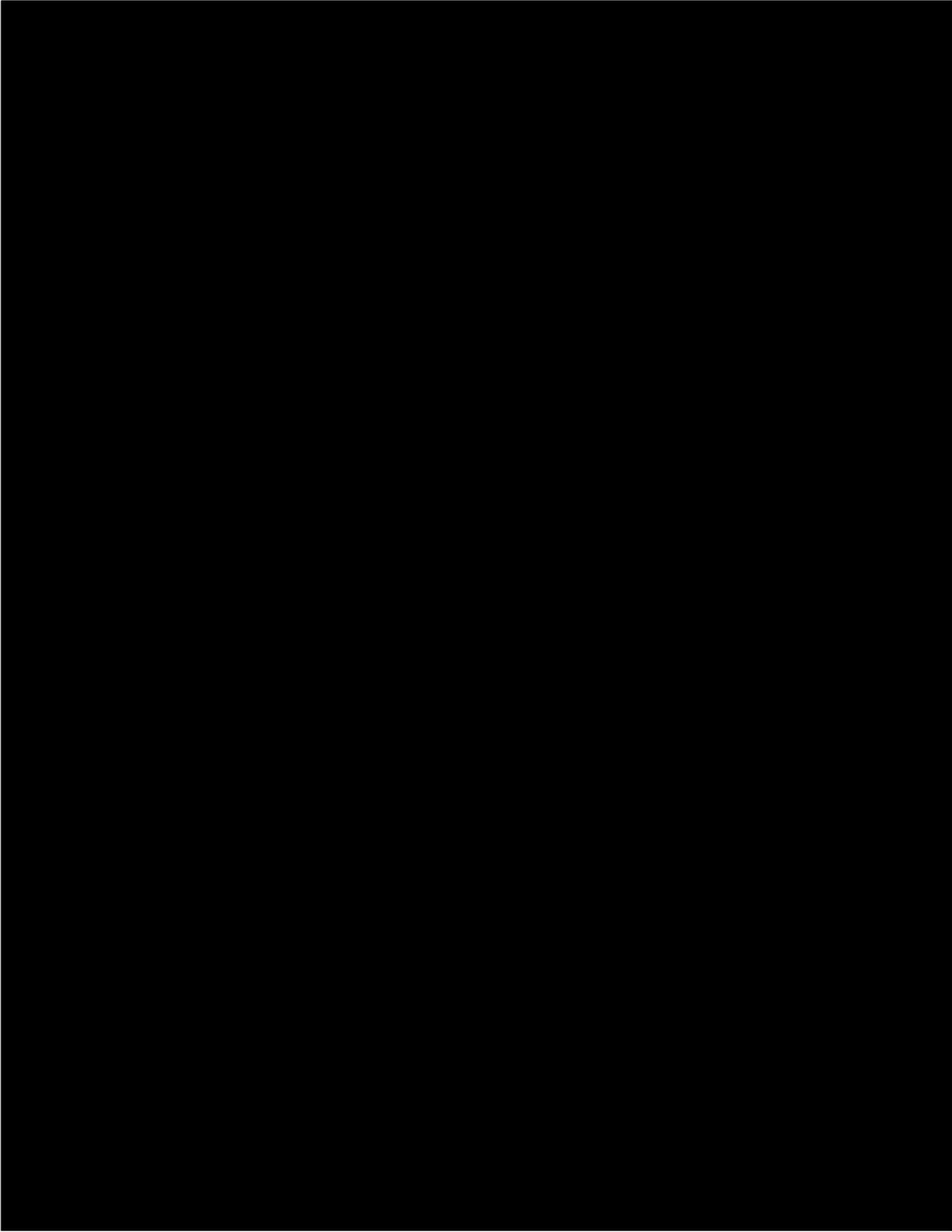


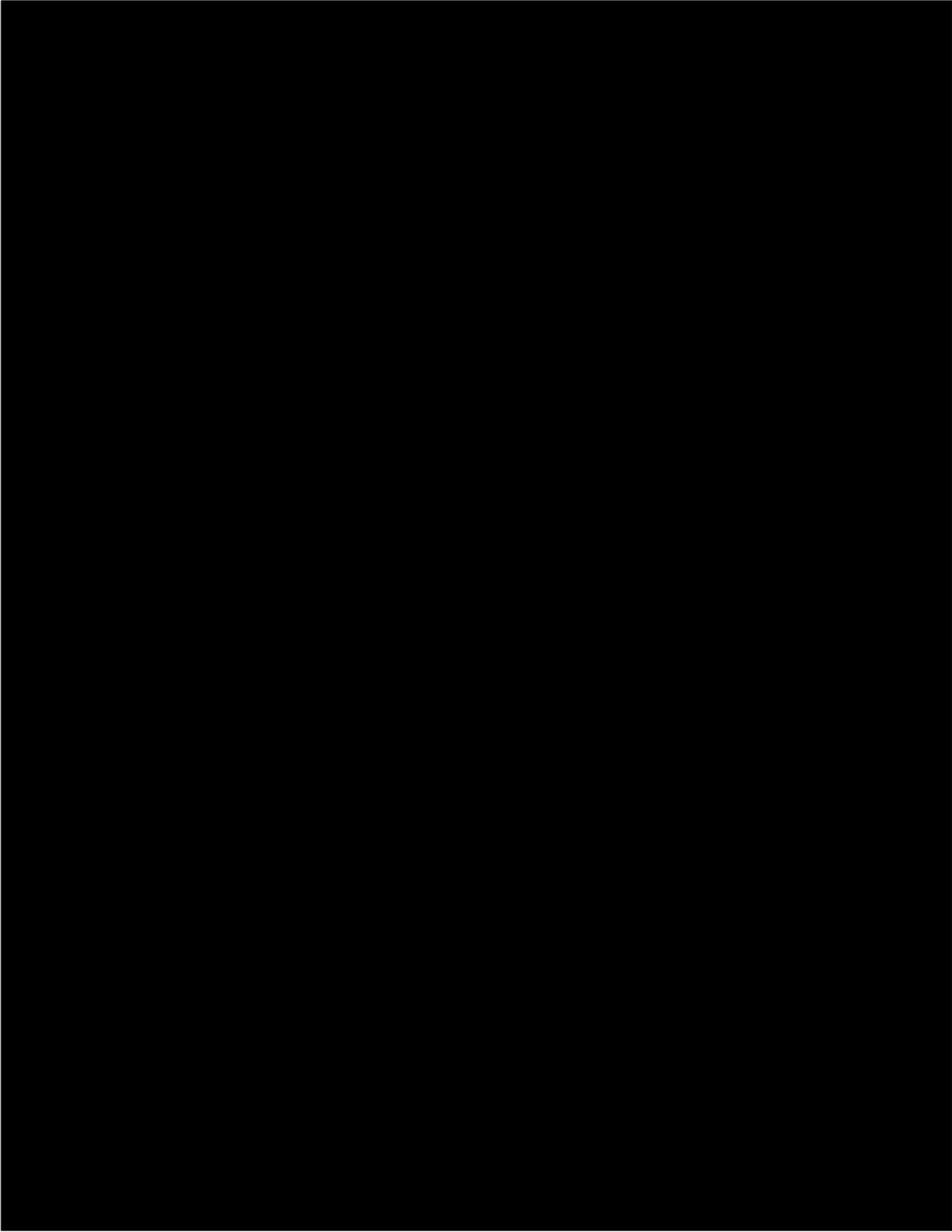


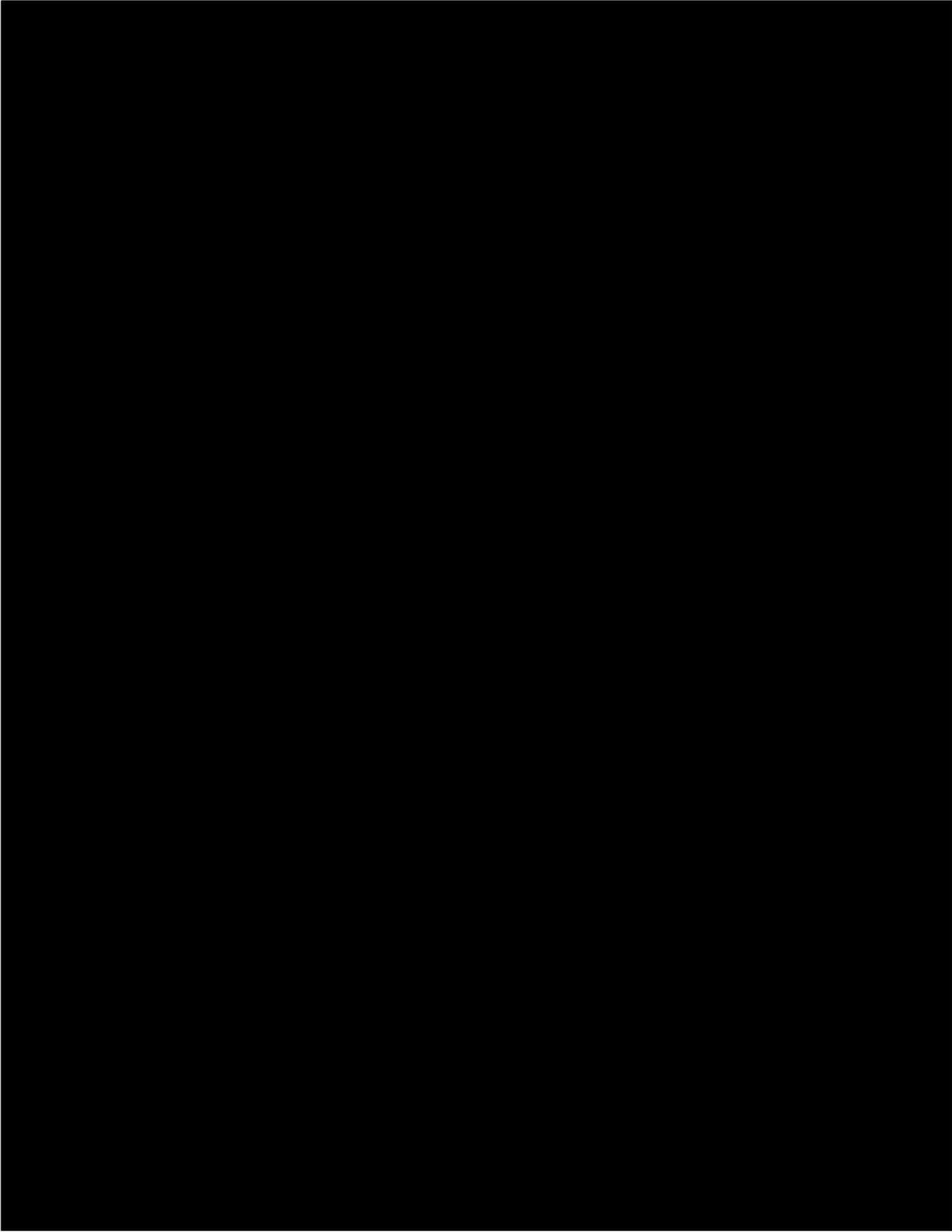


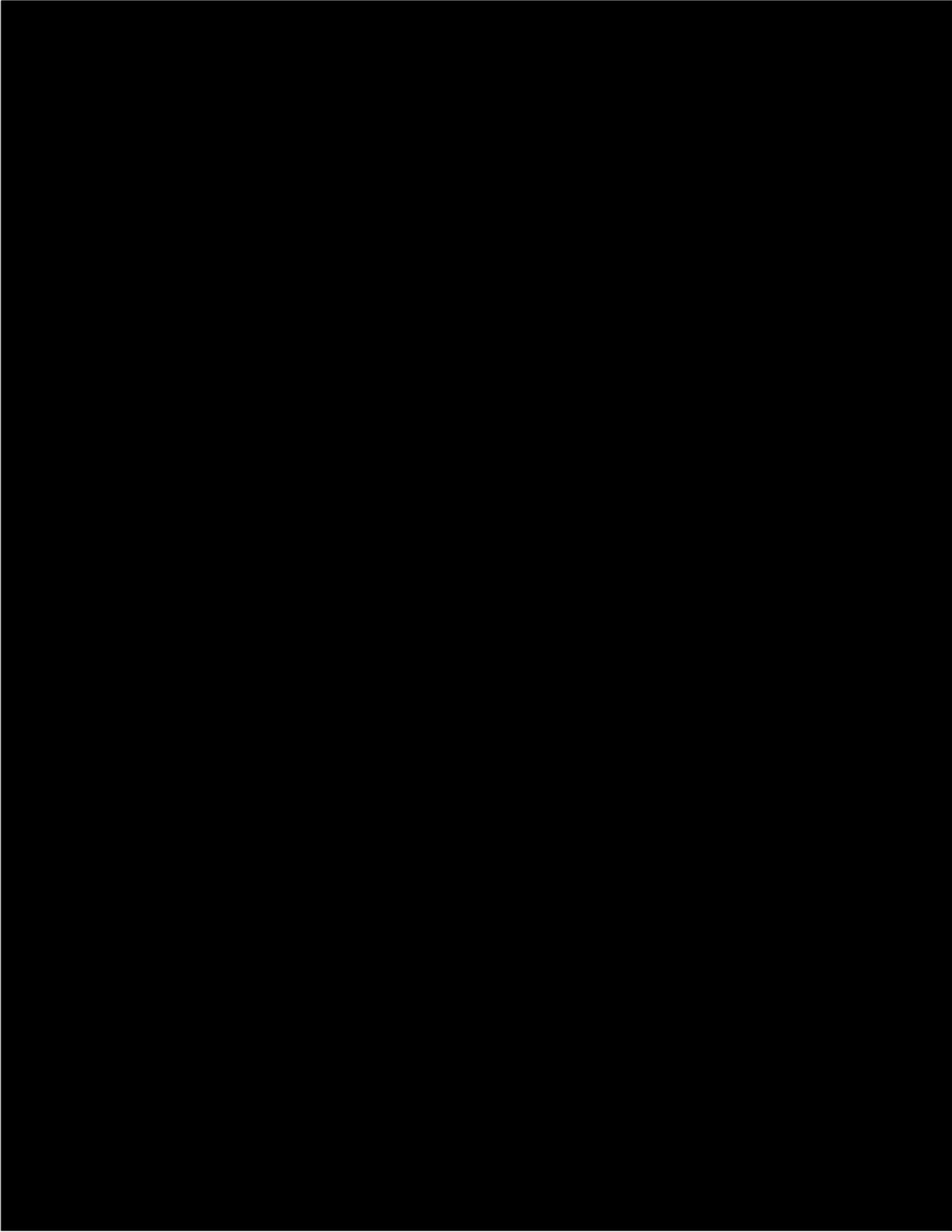


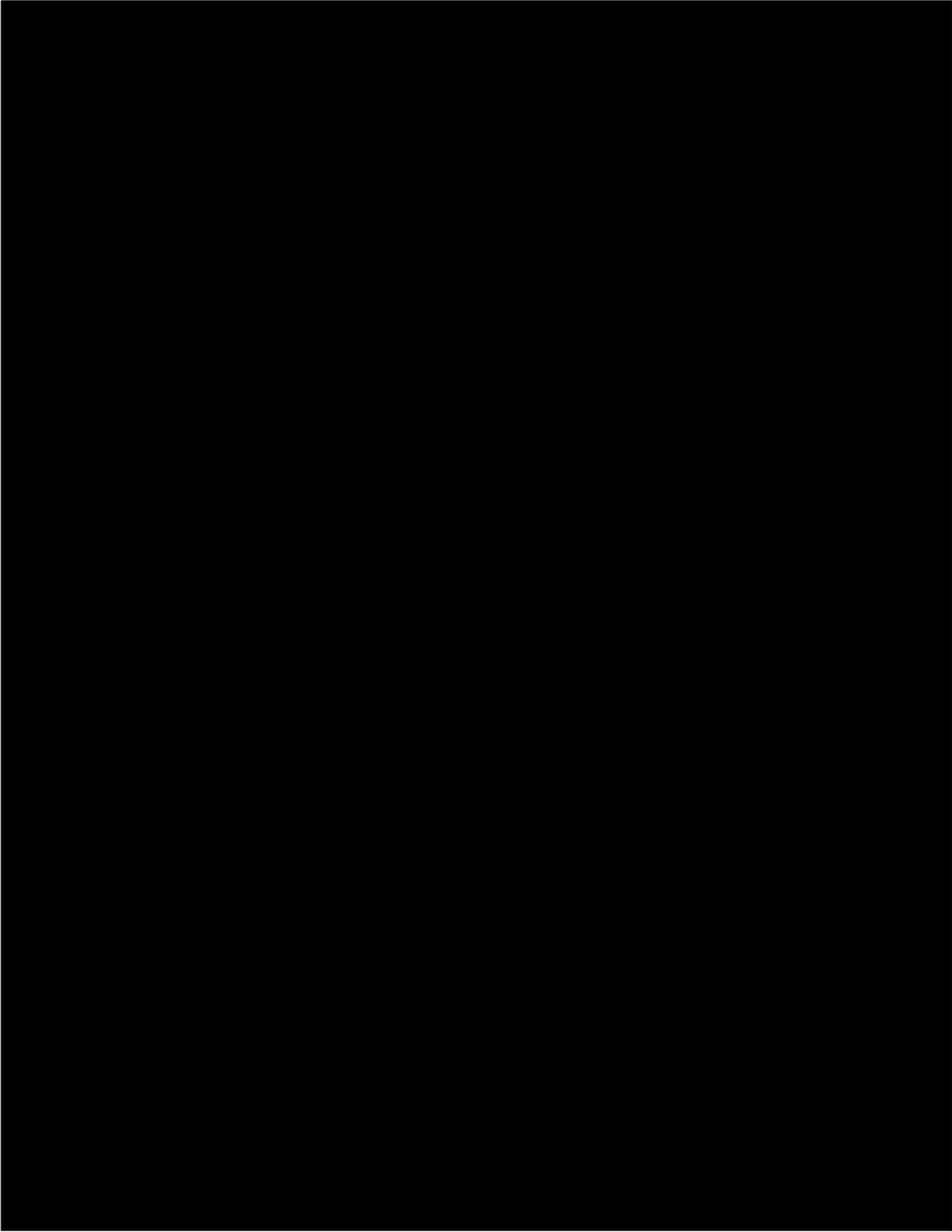


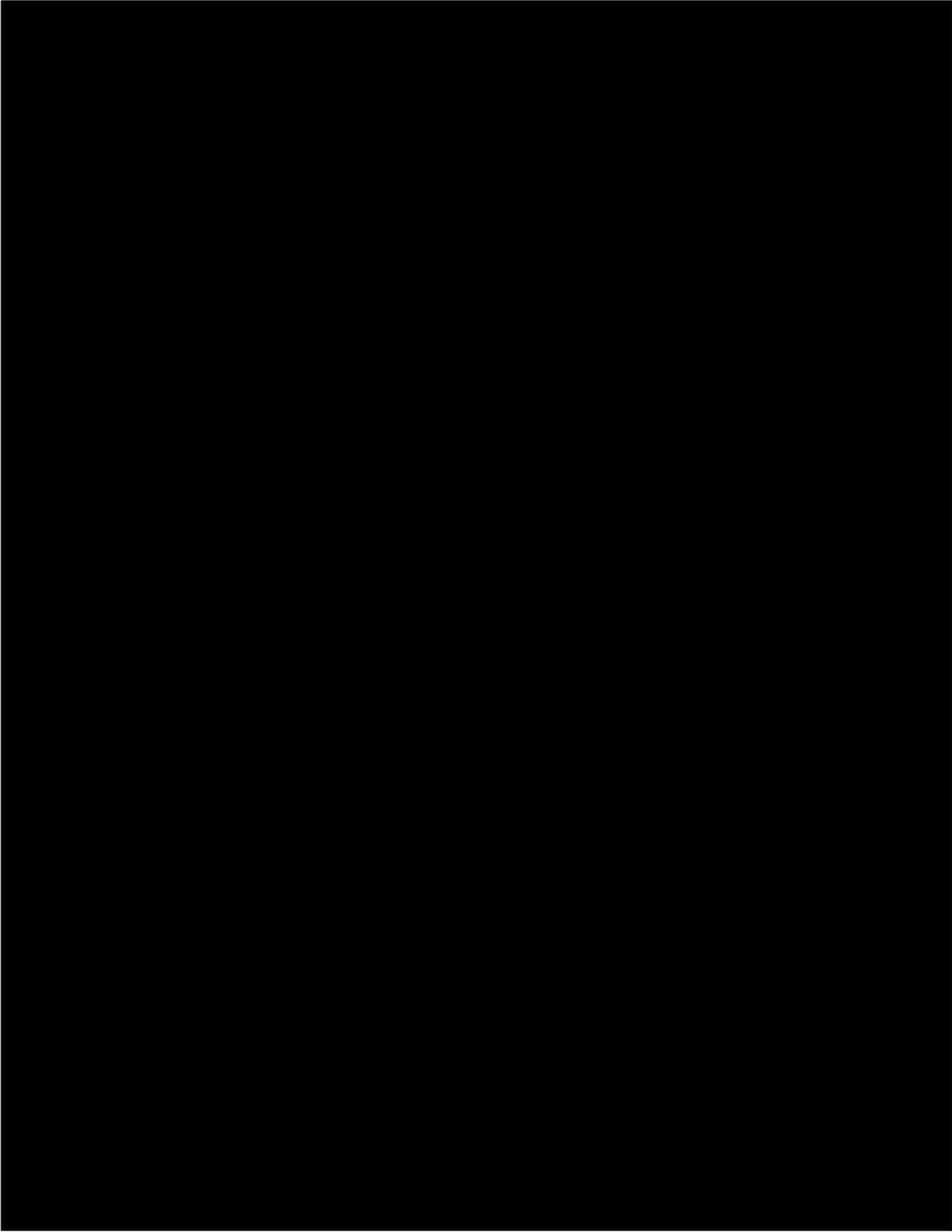


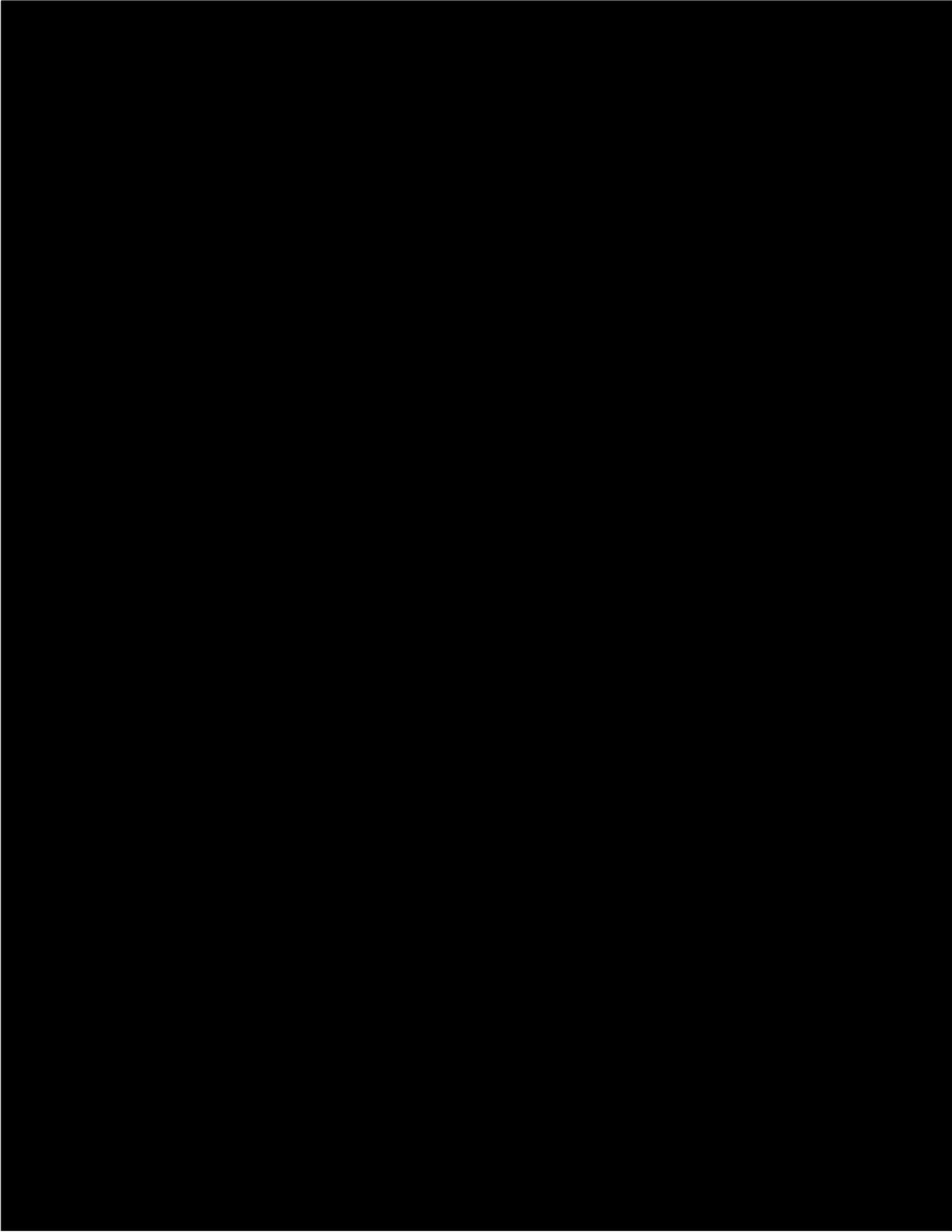


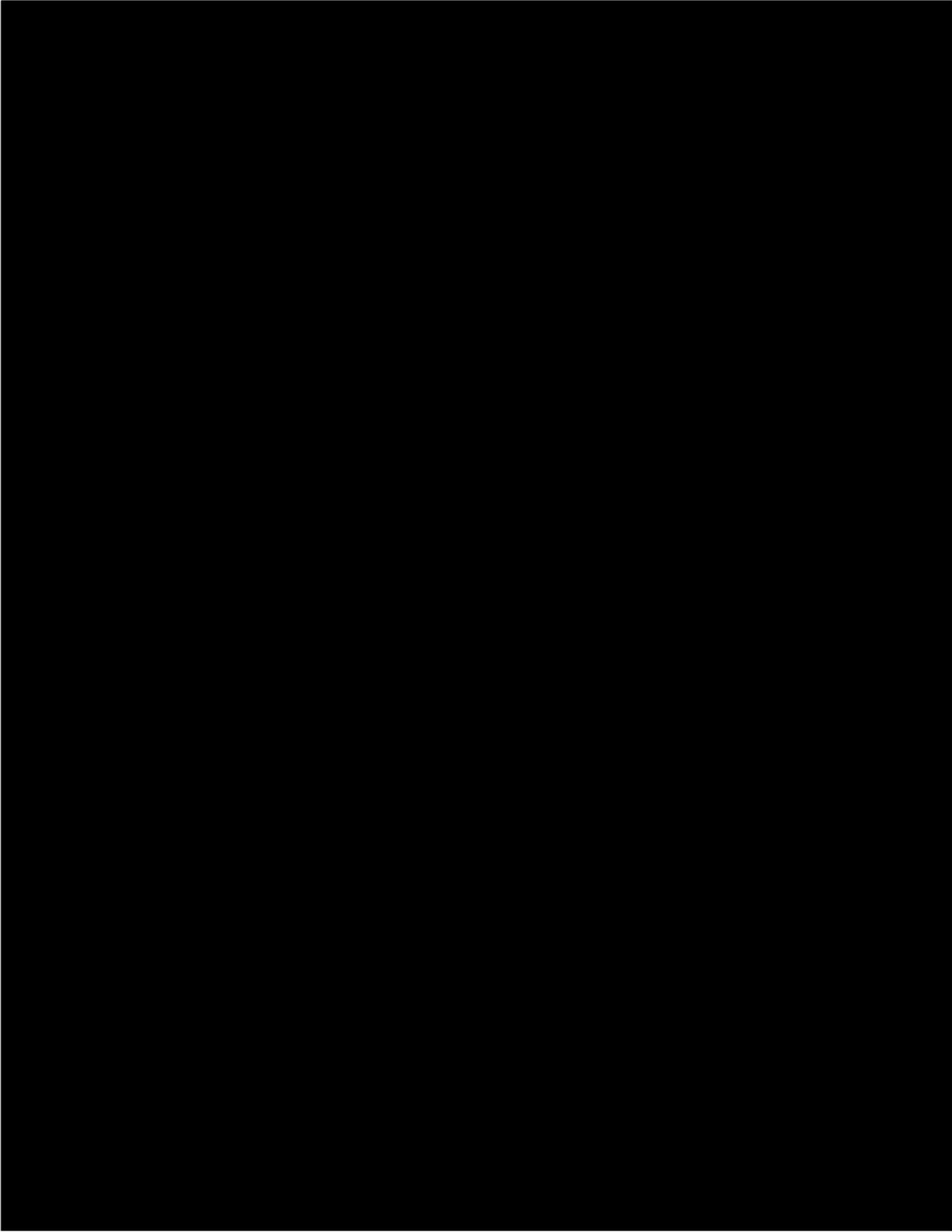


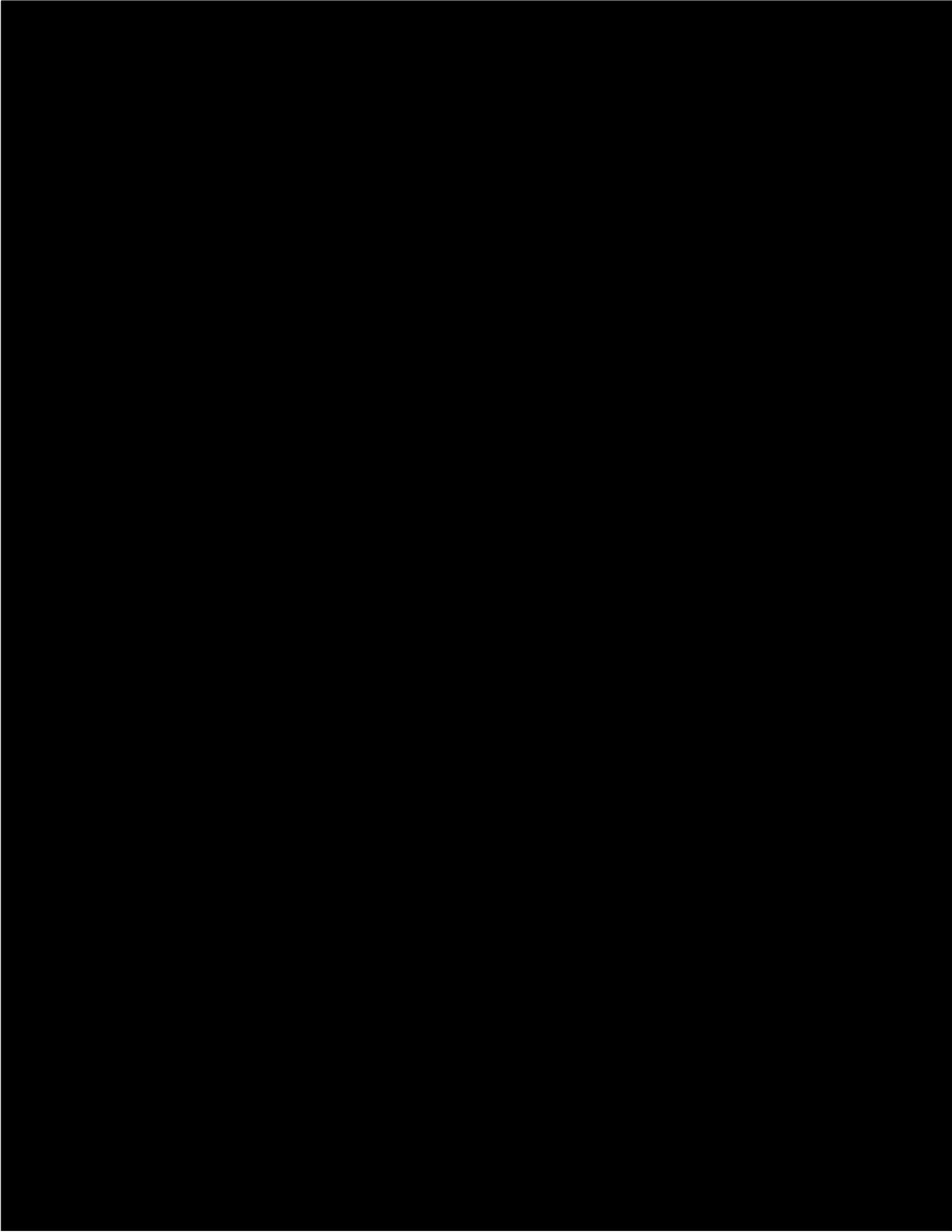


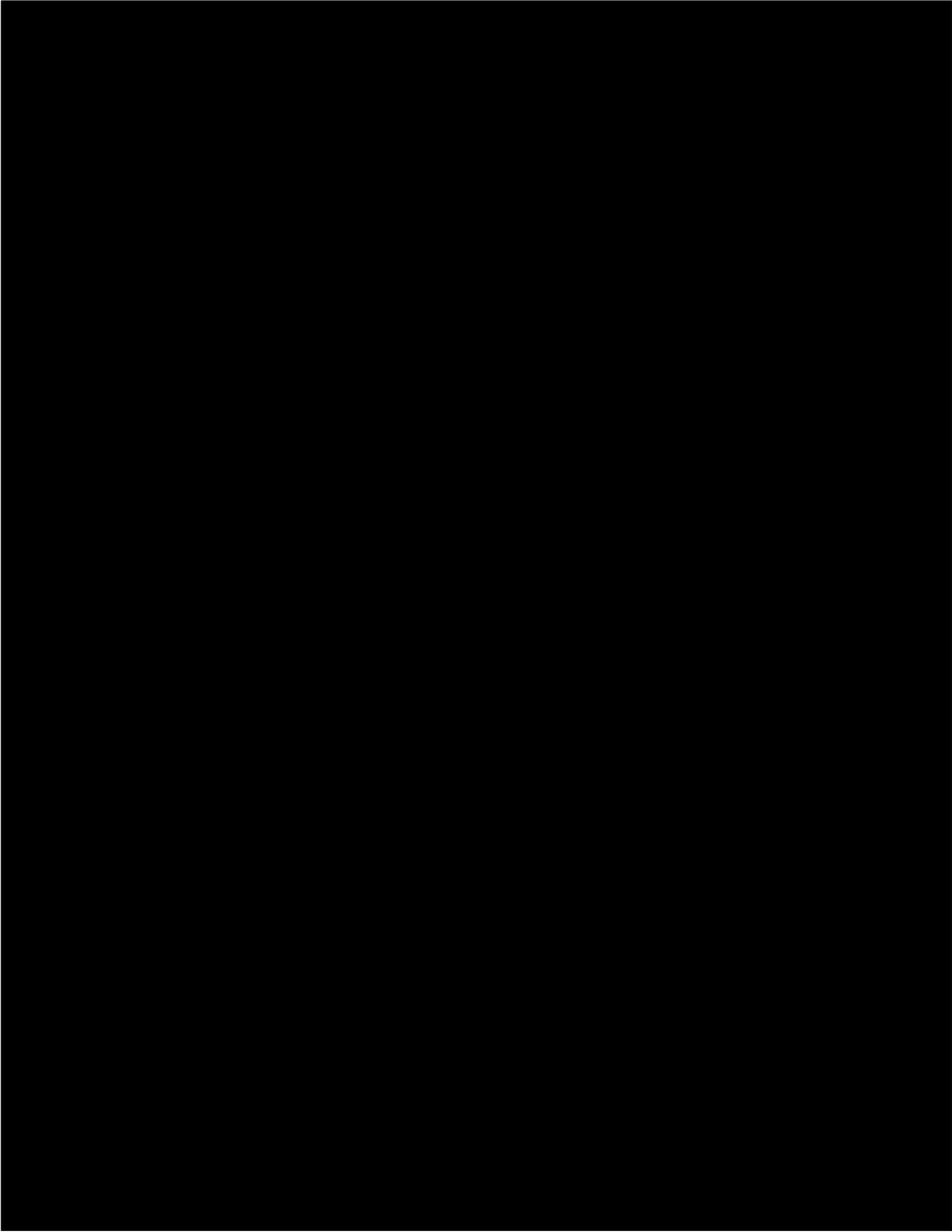


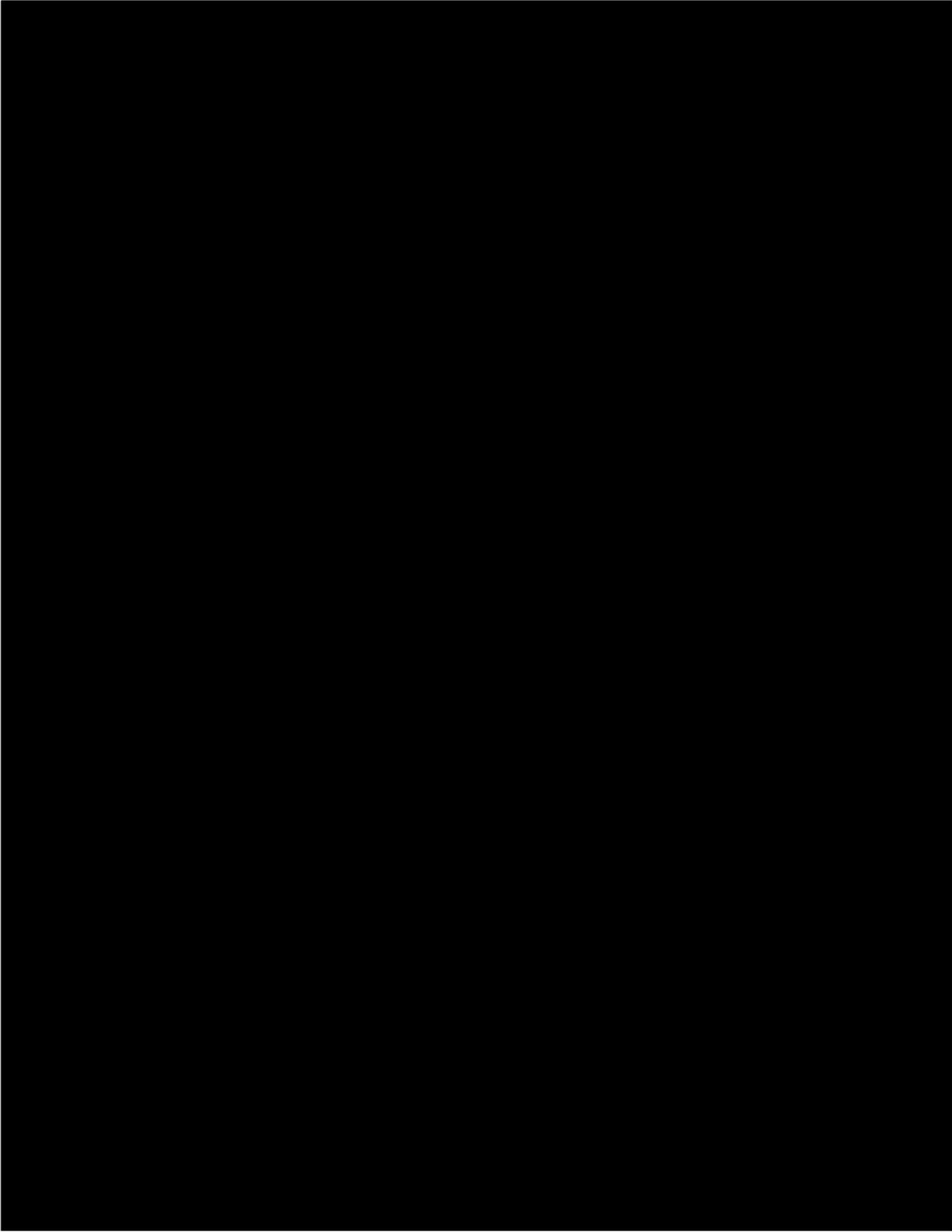


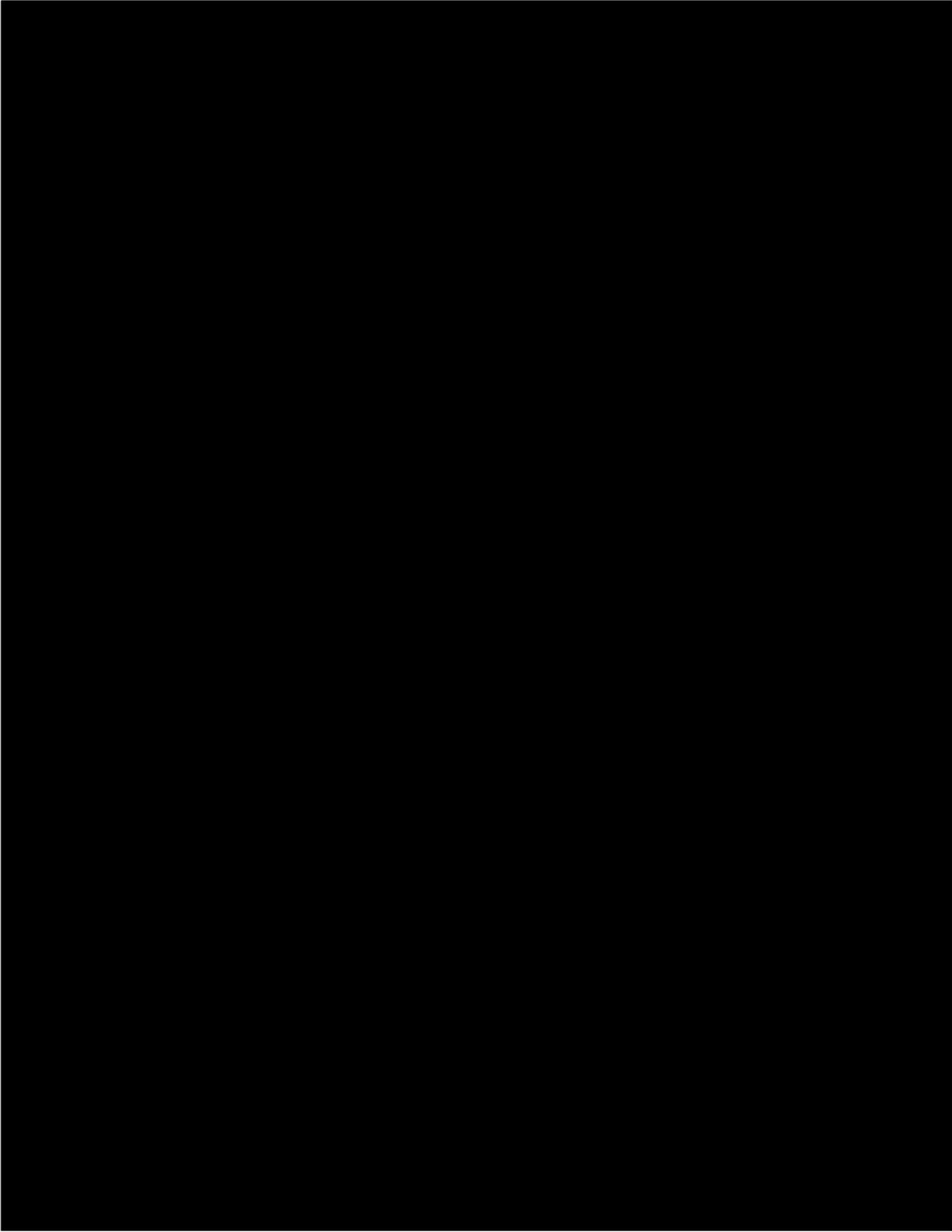


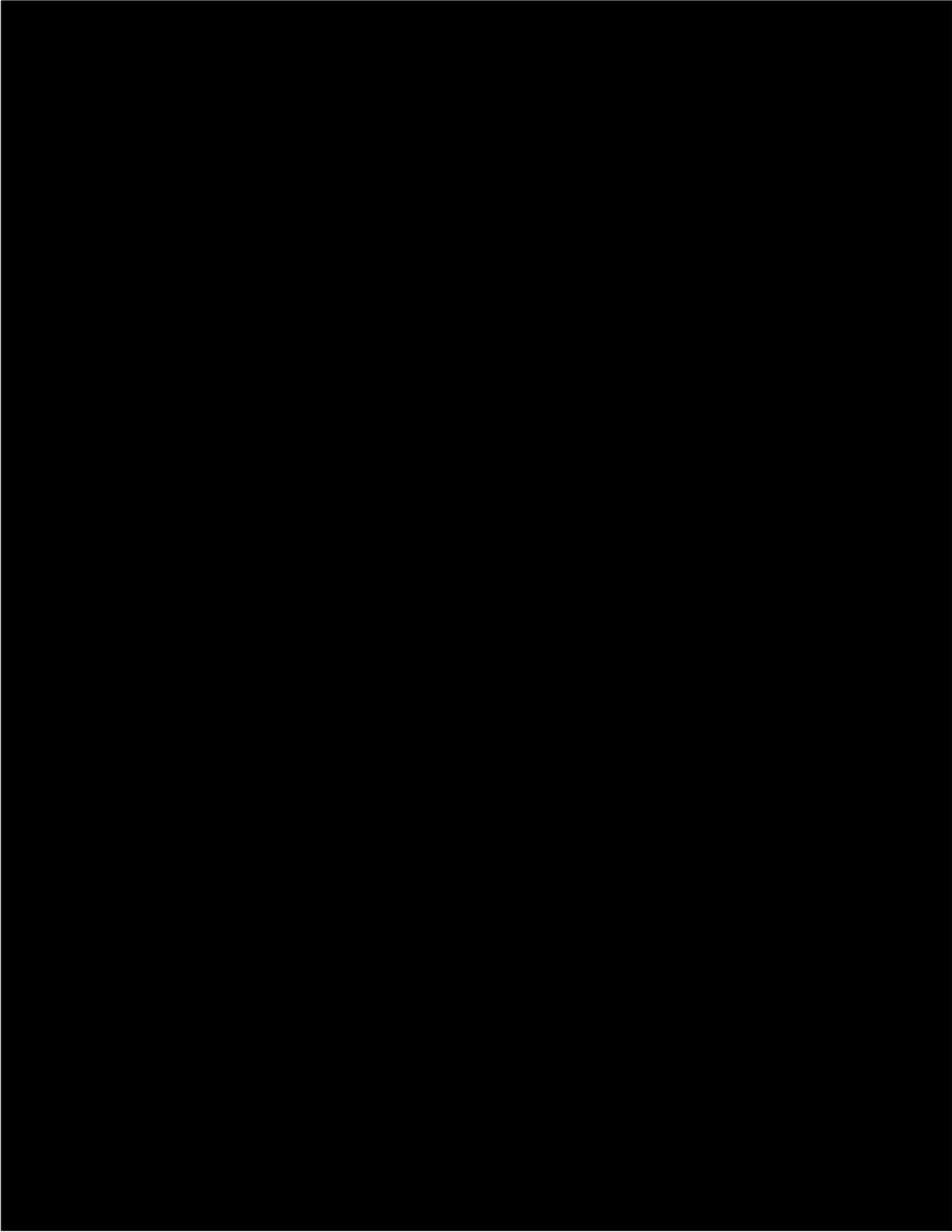


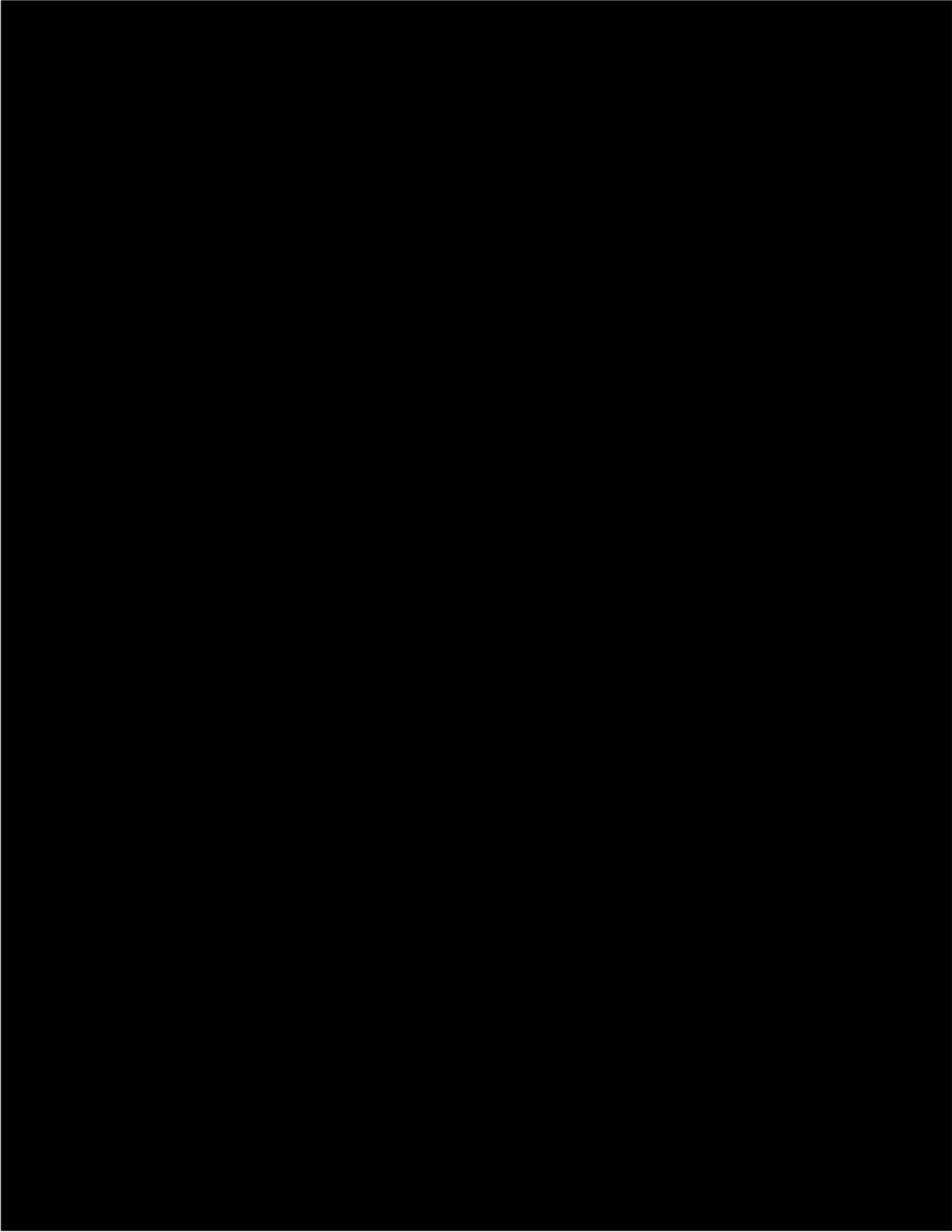


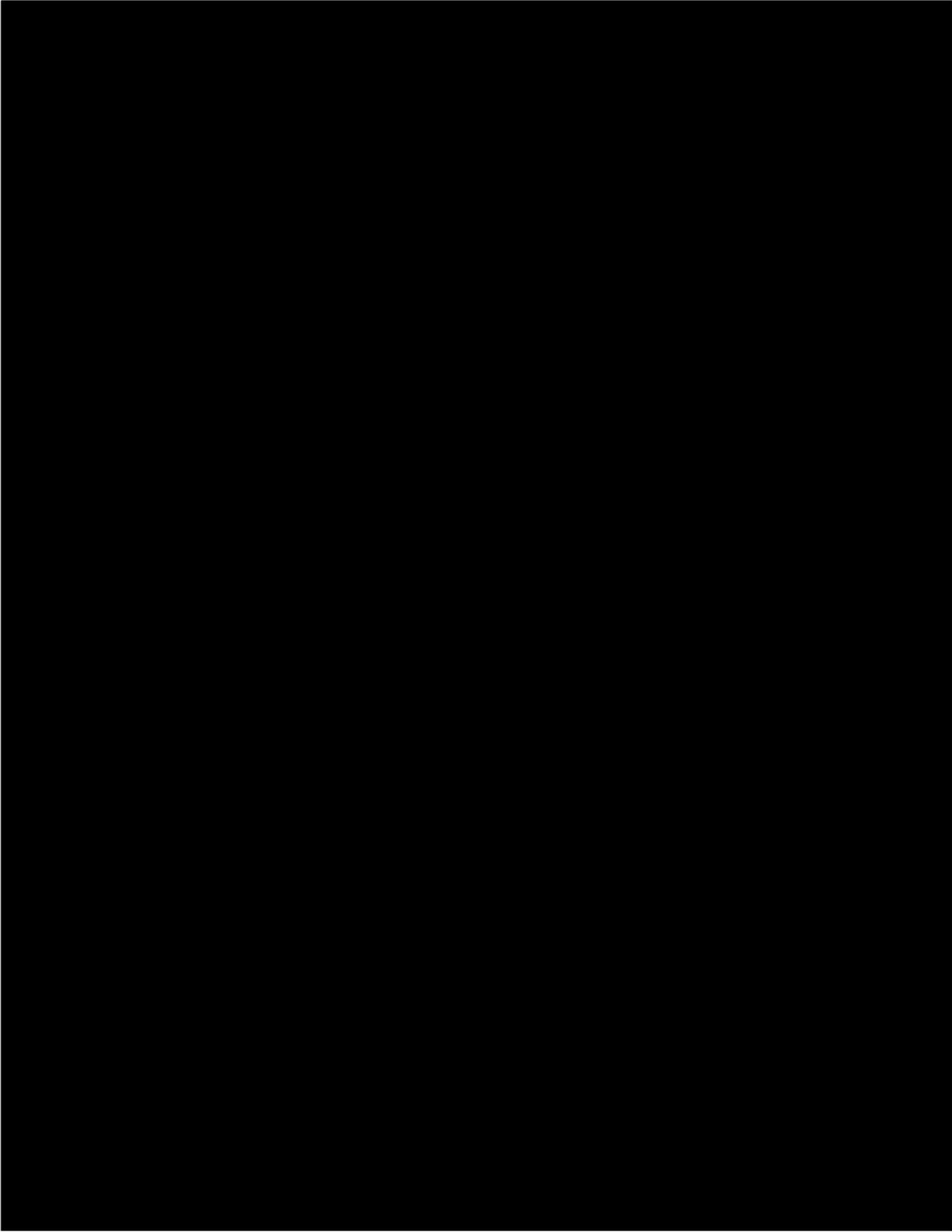


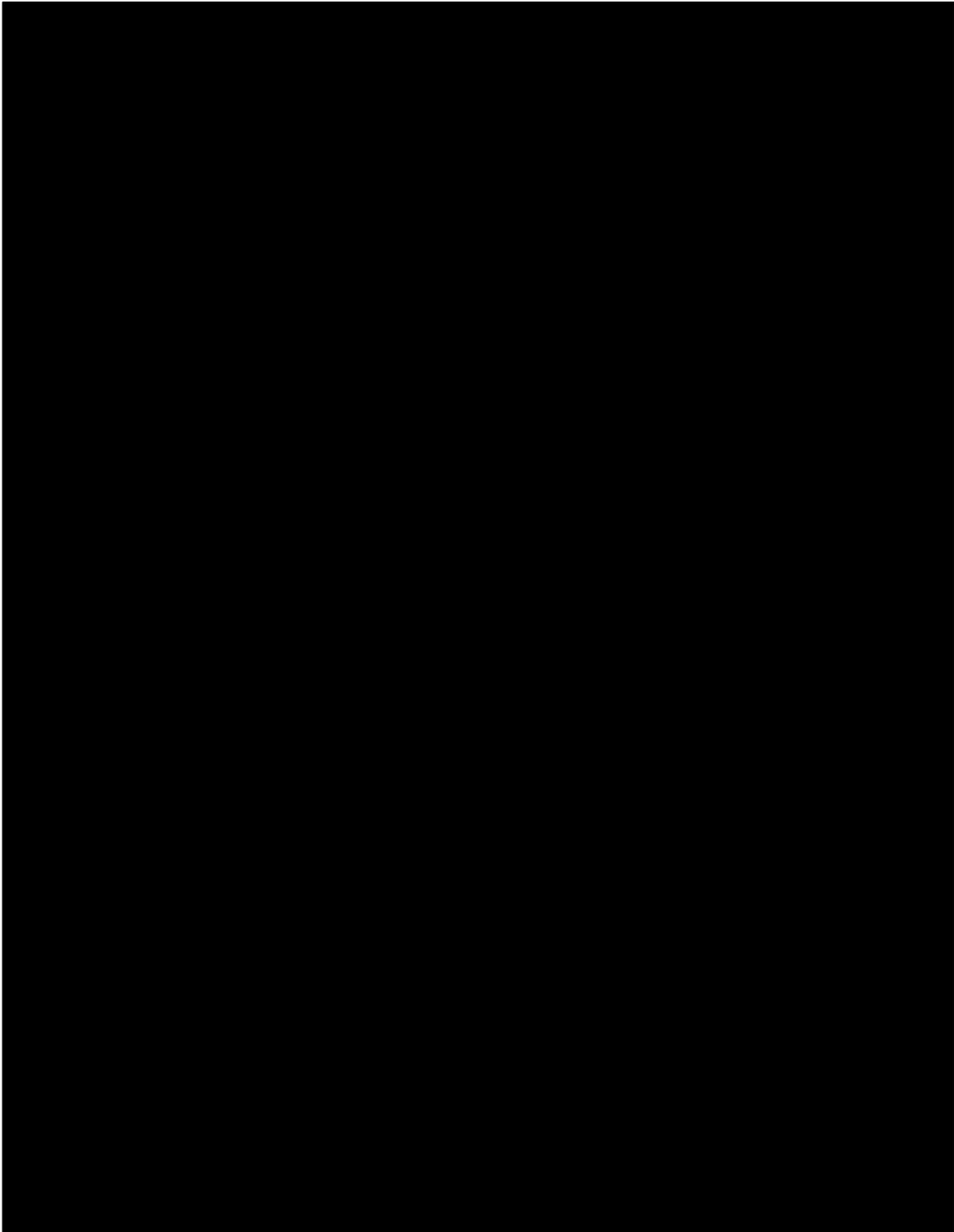


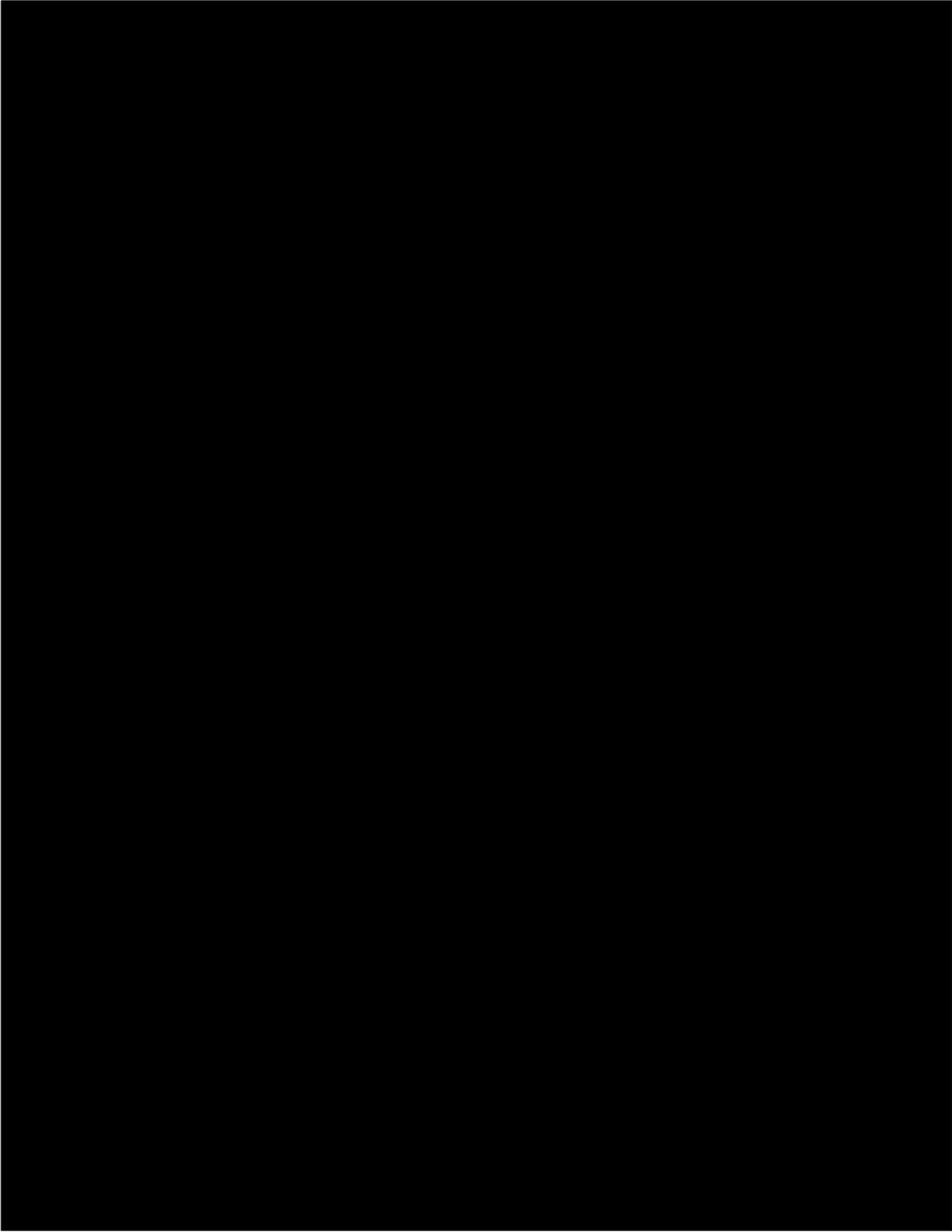


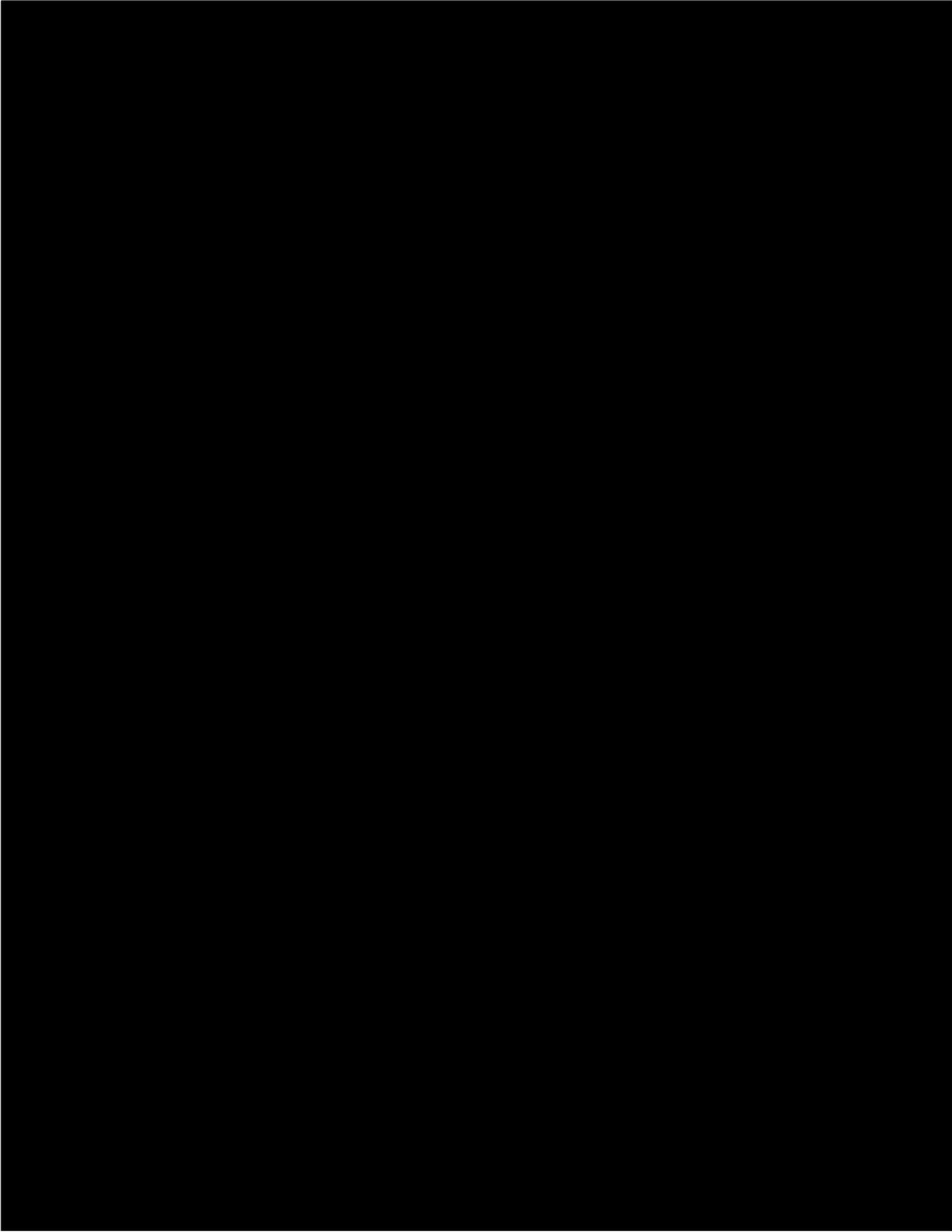


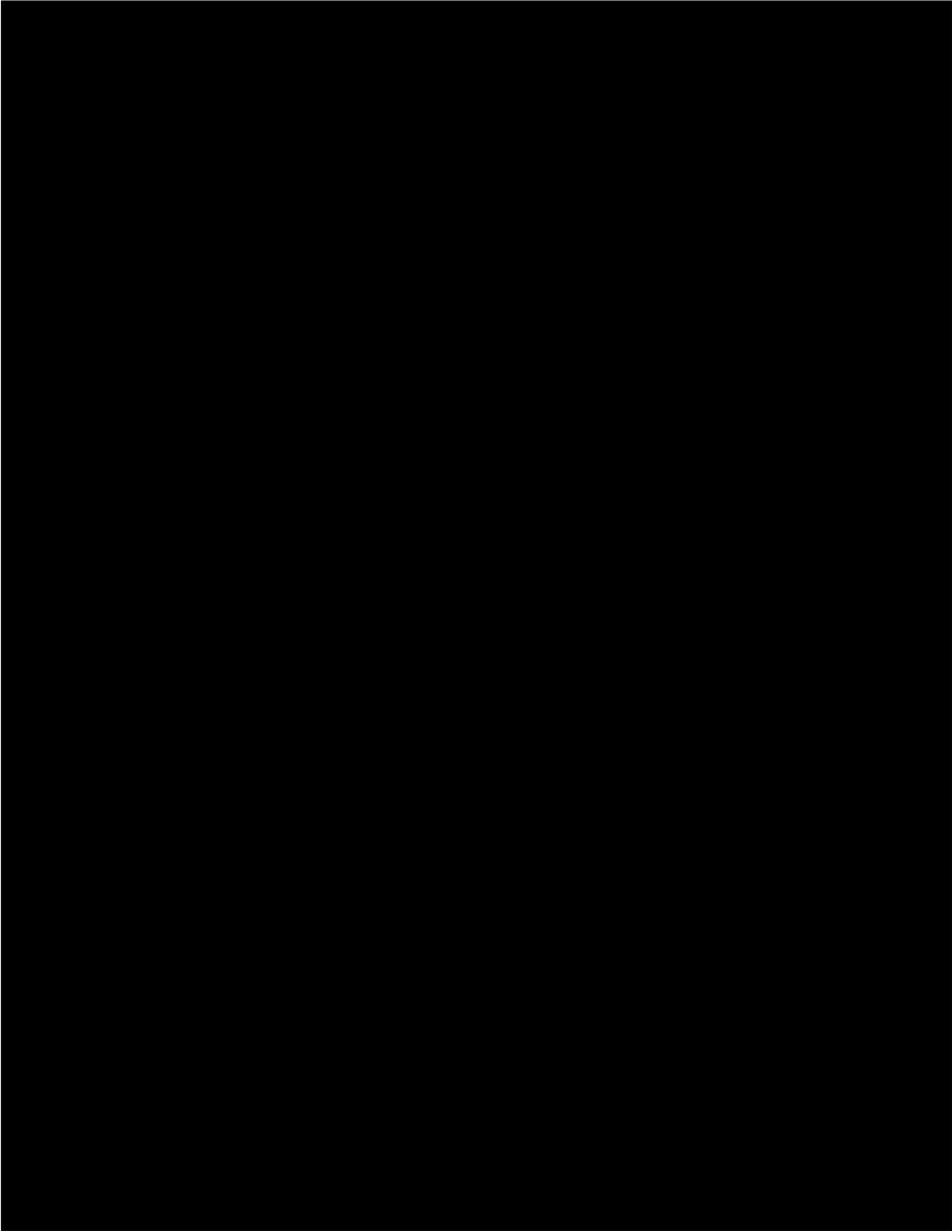


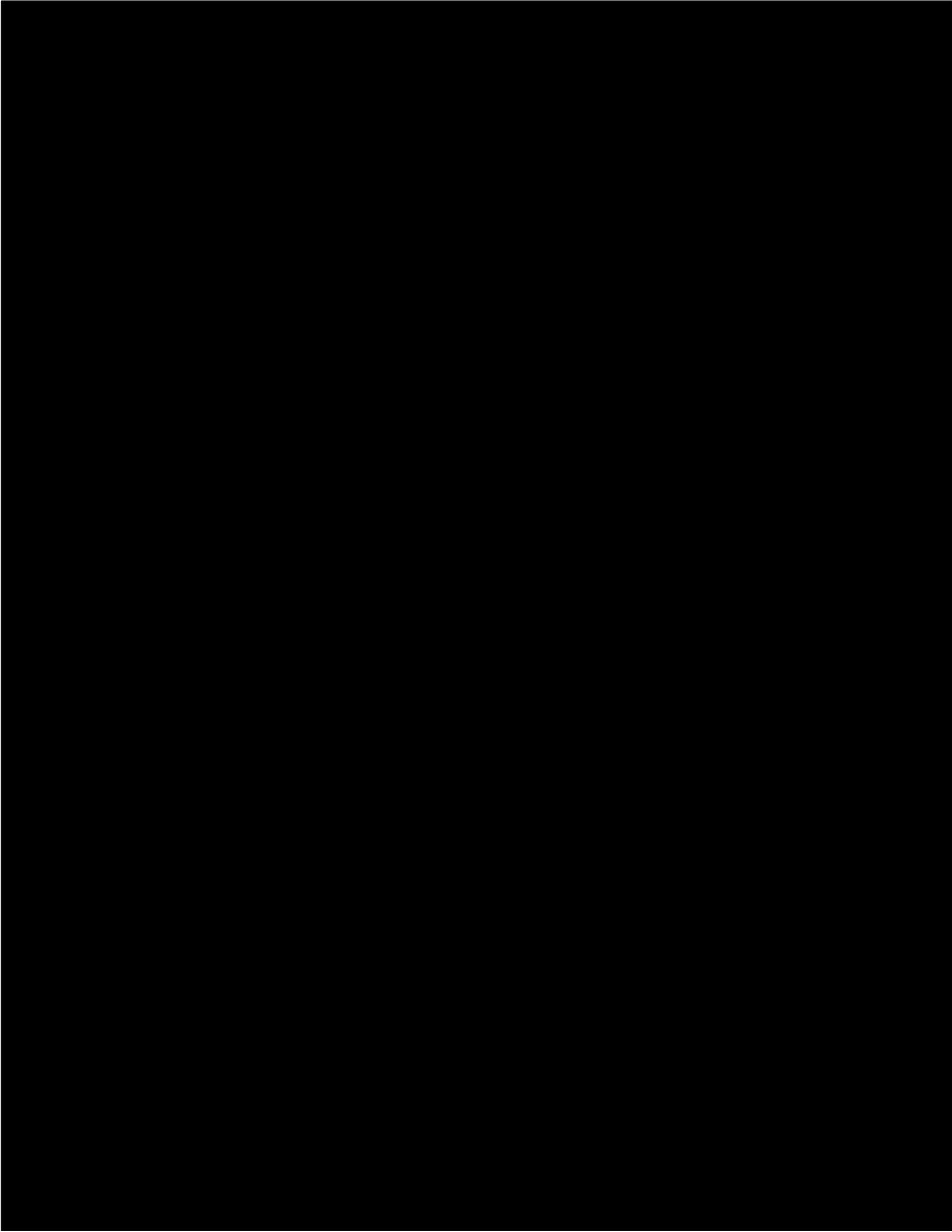


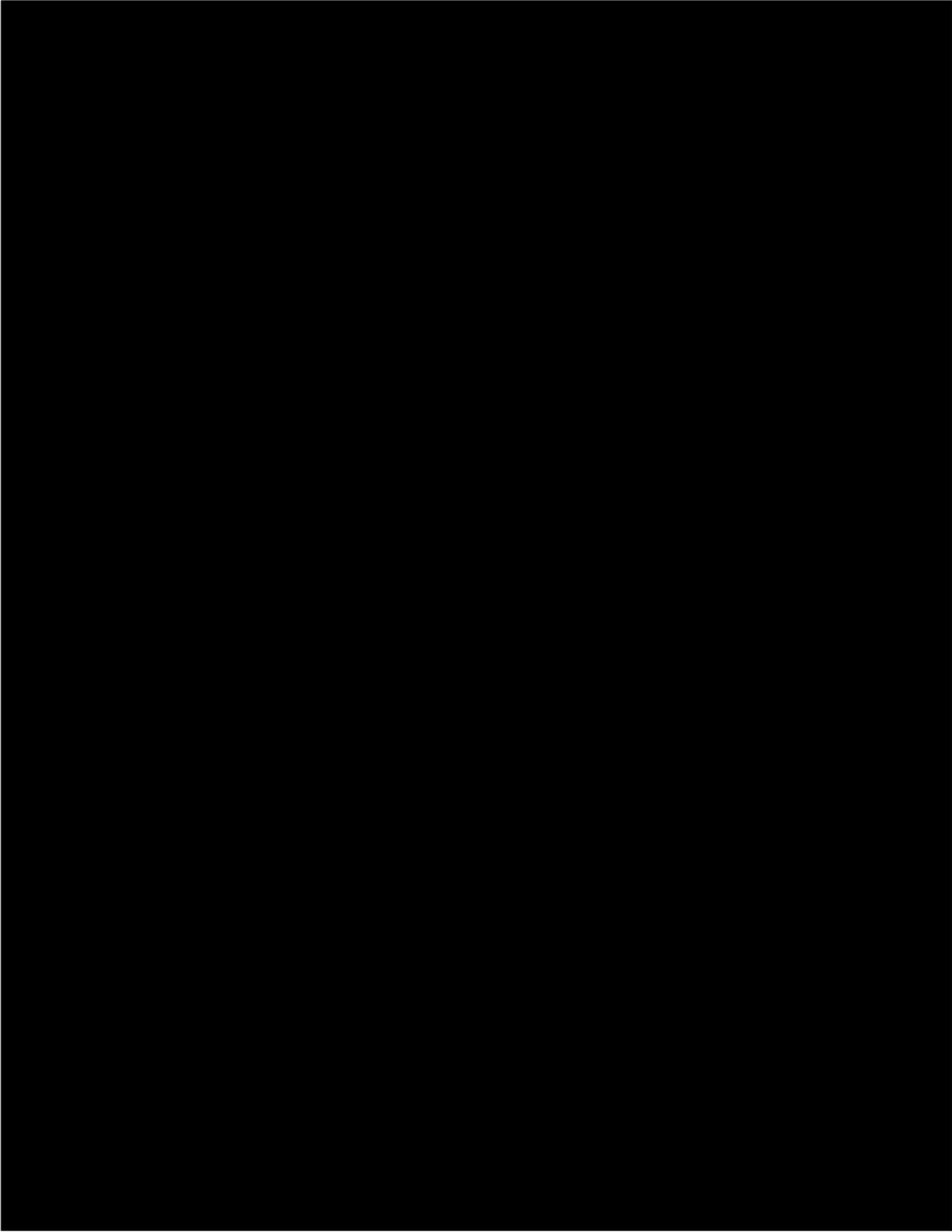


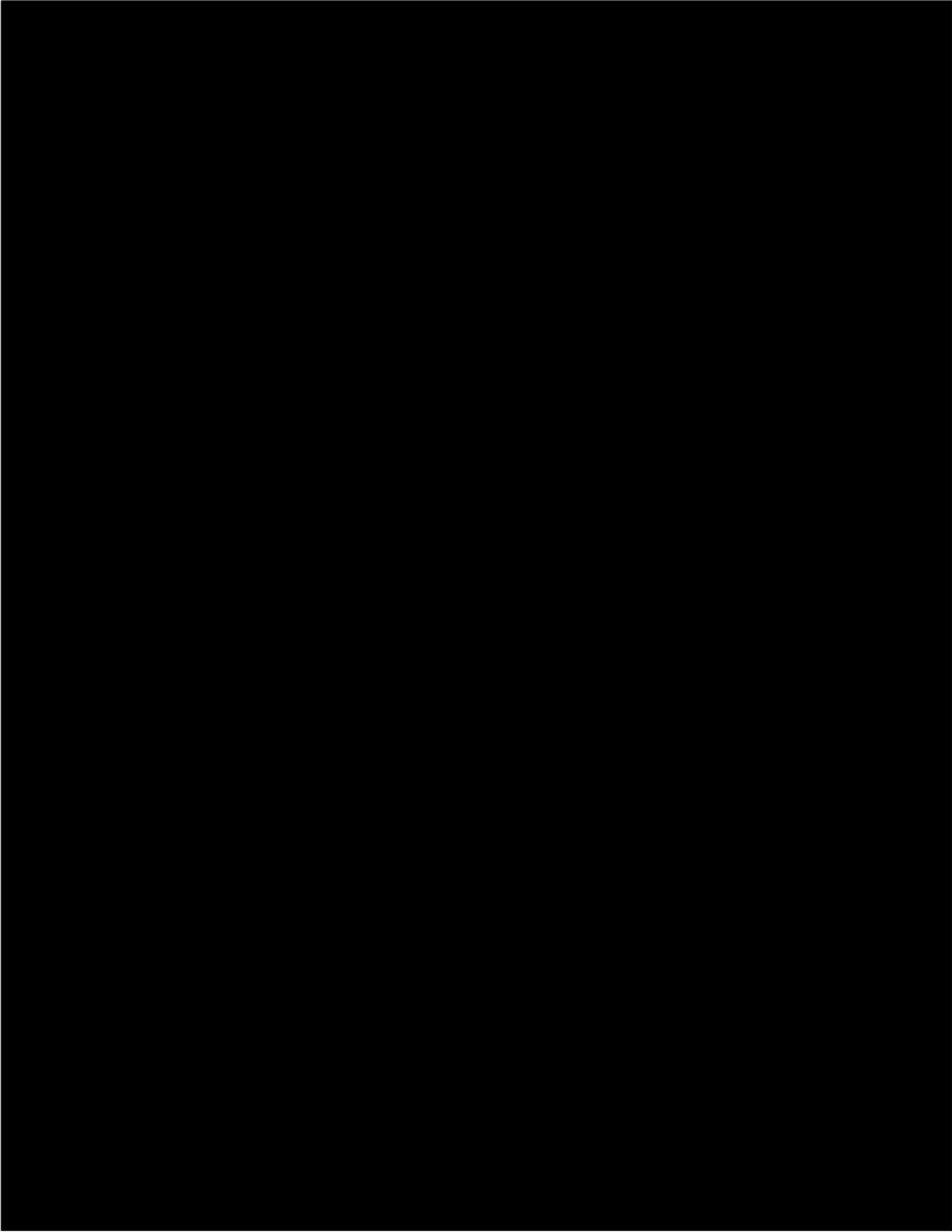


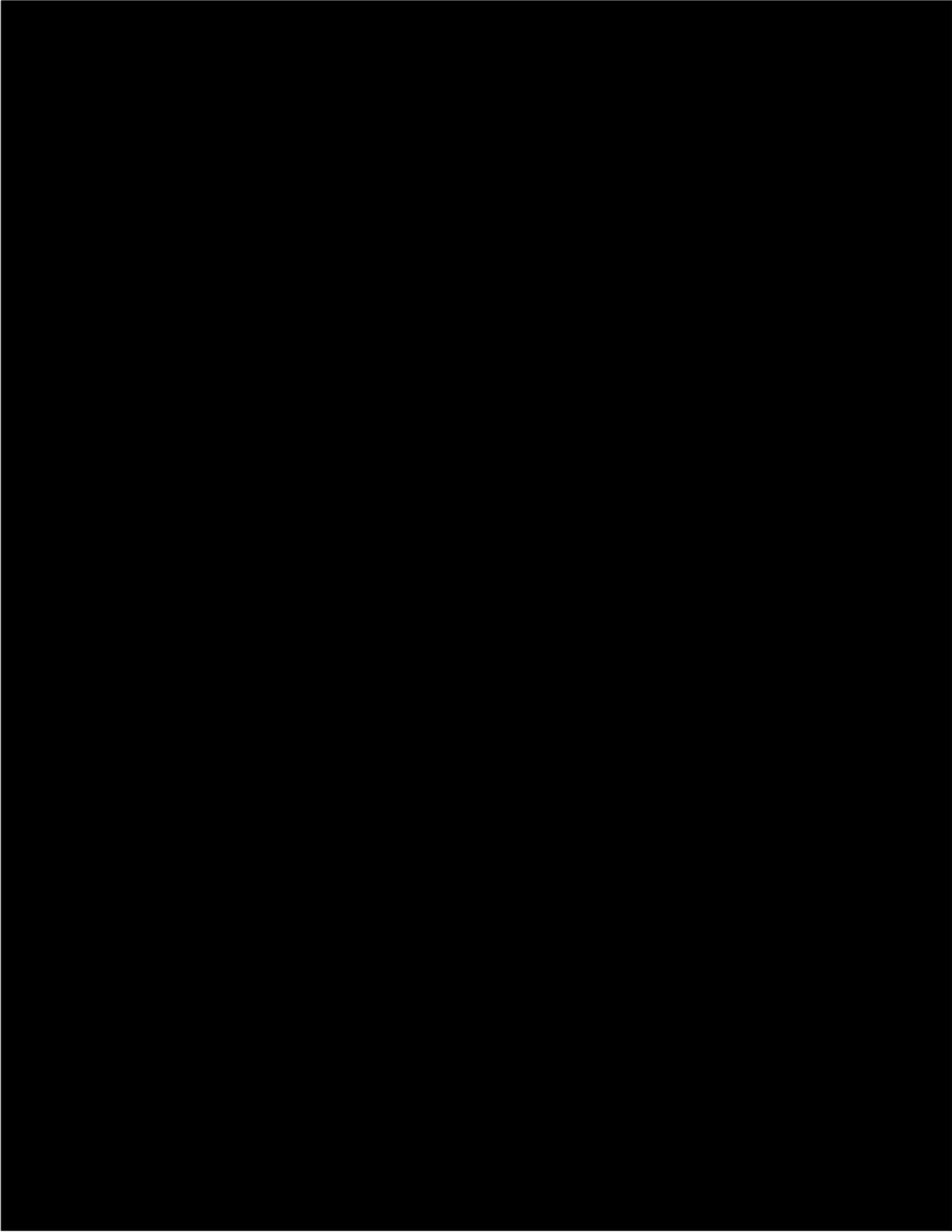












From: [Kathryn Irby](#)
To: [Chris Heil](#)
Cc: [Denker, Alexander C.](#); [Davenport, Michelle L.](#)
Bcc: [Kathryn Irby](#)
Subject: INFO NEEDED: Patterson v. ARDOT 221005
Date: Friday, November 15, 2024 2:25:00 PM

Mr. Heil, thank you for this information.

Mr. Denker, let me know if I'm missing it, but I do not have an entry of appearance for you. The only correspondence or filings that I see for this claim was by Amanda Andrews. I also do not have any prehearing materials from ArDOT for this matter, and I do not see any from the previous hearing setting. Please let me know if I am missing something.

Kathryn Irby

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

From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Friday, November 15, 2024 9:22 AM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Denker, Alexander C. <Alexander.Denker@ardot.gov>
Subject: Patterson v. ARDOT 221005

All: Please accept the attached updated Exhibits 16 (bills) and 17 (records) and substitute them for the same exhibits provided with the Exhibit list and Pre-Hearing Brief filed on April 19, 2024 before the previously scheduled hearing. Please advise if further action or information is needed.

Sincerely,
 Chris Heil
Chris Heil | Attorney

Phone: (501) 400-0572
 Email: chrisheil@taylorkinglaw.com
 Address: 820 West Third Street, Little Rock, AR,
 72201



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From: [Denker, Alexander C.](#)
To: [Kathryn Irby](#); [Chris Heil](#); [ASCC Pleadings](#)
Cc: [Davenport, Michelle L.](#); [Martinez, Ivan](#); [Blakley, Sharon D.](#)
Subject: RE: INFO NEEDED: Patterson v. ARDOT 221005
Date: Friday, November 15, 2024 3:16:55 PM
Attachments: [~WRD1052.jpg](#)
[image001.png](#)
[Patterson, Buddy - INTRPDs \(Attachments to Claimant's Responses\) - Patterson v AR DOT.pdf](#)
[Patterson, Buddy - INTRPDs \(Claimant's Responses\) - Patterson v AR DOT.pdf](#)
[ArDOT Witness Exhibit List and PreHearing Brief.pdf](#)

Good Afternoon,

Sorry that these submissions are late in the day. This was reassigned from Amanda to Ivan Martinez and myself. Please let this serve as our entry of appearance. If you need a formal motion entry, please let me know and I will get something filed as soon as possible.

Please find our attached pre-hearing materials. If you need anything else, please let me know!

Thank you and have a great weekend!

Alexander C. Denker

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Arkansas Department of Transportation
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Little Rock, AR 72203-2261
Direct Line: 501.569-2165
Email: Alexander.Denker@ardot.gov



From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Friday, November 15, 2024 2:25 PM
To: Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Denker, Alexander C. <Alexander.Denker@ardot.gov>; Davenport, Michelle L. <Michelle.Davenport@ardot.gov>
Subject: INFO NEEDED: Patterson v. ARDOT 221005

CAUTION: This email originated from outside of ARDOT. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Heil, thank you for this information.

Mr. Denker, let me know if I'm missing it, but I do not have an entry of appearance for you. The only correspondence or filings that I see for this claim was by Amanda Andrews. I also do not have any prehearing materials from ArDOT for this matter, and I do not see any from the previous hearing setting. Please let me know if I am missing something.

Kathryn Irby

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

From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Friday, November 15, 2024 9:22 AM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Denker, Alexander C. <Alexander.Denker@ardot.gov>
Subject: Patterson v. ARDOT 221005

All: Please accept the attached updated Exhibits 16 (bills) and 17 (records) and substitute them for the same exhibits provided with the Exhibit list and Pre-Hearing Brief filed on April 19, 2024 before the previously scheduled hearing. Please advise if further action or information is needed.

Sincerely,
Chris Heil
Chris Heil | Attorney

Phone: (501) 400-0572
Email: chrisheil@taylorkinglaw.com
Address: 820 West Third Street, Little Rock, AR,
72201



taylorkinglaw.com



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RESPONSE:

- a) June 2017;
- b) Pam Smith;
- c) Very clean;
- d) Clean;
- e) One;
- f) No;
- g) Check;
- h) \$3500;
- i) No.

INTERROGATORY NO. 3: Did you have automobile insurance for any vehicle or on any policy at the time of the accident on or about February 4, 2022? If yes, please state:

- a) Name, company, address, and phone number where such policy is held
- b) Policy holder's name

RESPONSE:



REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1: Please attach a copy of the Declaration Page of any insurance policy, and the complete insurance policy you referred to in your answer to the preceding Interrogatory.

RESPONSE: See attached.

INTERROGATORY NO. 4: Was there any adult passengers/drivers present in the 1998 Dodge Pickup at the time of the accident on or about February 4, 2022? If yes, please state:

- a) Name, address, and telephone number of the driver/passenger
- b) Name, company, address, and telephone number of the person to whom the statement was made
- c) Did they give any statement to police, ARDOT, or any insurance company?
- d) Gist of the statement

RESPONSE: No.

INTERROGATORY NO. 5: In order to properly determine the fair market value of the vehicle pursuant to Kelly Blue Book (kbb.com), please state whether on the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any minor or moderate scratches to the paint, dents, or surface rust?

RESPONSE: No.

INTERROGATORY NO. 6: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup had any repair work to the frame or had the frame been altered or replaced?

RESPONSE: No.

INTERROGATORY NO. 7: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any scratches or cracks in the windshield?

RESPONSE: No.

INTERROGATORY NO. 8: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any discoloration to the lights or lenses, however slight?

RESPONSE: No.

INTERROGATORY NO. 9: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any scratches to the wheels?

RESPONSE: No.

INTERROGATORY NO. 10: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any minimal or moderate wear to the carpet?

RESPONSE: No.

INTERROGATORY NO. 11: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any odor (e.g. smoke, mold, etc.)?

RESPONSE: No.

INTERROGATORY NO. 12: On the day of February 4, 2022, but prior to the accident, did your 1998 Dodge Pickup have any minor faults with the windows, locks, radio or NAV system?

RESPONSE: No.

INTERROGATORY NO. 13: Were repairs and maintenance done routinely to the 1998 Dodge Pickup and were records up to date? What was the mileage on the odometer?

RESPONSE: Maintenance was done routinely, Claimant is not in possession of records; 74689.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3: Please provide a copy of any maintenance and repair records for the 1998 Dodge Pickup.

RESPONSE: Claimant is not in possession of records.

INTERROGATORY NO. 14: On the day of February 4, 2022, but prior to the accident, was there any wear and tear to the suspension or steering of the 1998 Dodge Pickup? If so, please briefly describe.

RESPONSE: No.

INTERROGATORY NO. 15: On the day of February 4, 2022, but prior to the accident, did the Air Conditioning and Heater work properly in the 1998 Dodge Pickup?

RESPONSE: Yes.

INTERROGATORY NO. 16: On the day of February 4, 2022, but prior to the accident, how much life was left on the brakes? (e.g. brand new, 75%, 50%, 25%, needed to be replaced?)

RESPONSE: 75%.

INTERROGATORY NO. 17: What was the date of the last time the brakes had been replaced on the 1998 Dodge Pickup by you or the previous owner?

RESPONSE: Unknown.

INTERROGATORY NO. 18: On the day of February 4, 2022, but prior to the accident, how much tread was left on the tires? (e.g. brand new, 75%, 50%, 25%, needed to be replaced?)

RESPONSE: 75%.

INTERROGATORY NO. 19: What was the date of the last time the tires had been replaced on the 1998 Dodge Pickup by you or the previous owner?

RESPONSE: Unknown.

INTERROGATORY NO. 20: What is the current odometer reading and what was the mileage on February 4, 2022?

RESPONSE: 74689.

INTERROGATORY NO. 21: Did you or any other person take photographs of the 1998 Dodge Pickup involved in the accident of February 4, 2022, that were taken any time between January 4, 2022 and February 4, 2022? (the month before the accident)

RESPONSE: No.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 4: Please attach copies of any photos you referred to in your answer to the preceding Interrogatory.

RESPONSE: N/A.

INTERROGATORY NO. 22: Did you or any other person take photographs of the 1998 Dodge Pickup or the scene of the accident on or after February 4, 2022? If yes, please state:

- a) The date the photo was taken
- b) Person taking the photo

- c) What is depicted in the photo
- d) In whose possession those photos are at this time

RESPONSE: Yes; Buddy Patterson; Scene of accident and result of accident; Taylor King & Associates, P.A.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 5: If the answer to the preceding Interrogatory was yes, please attach copies of any photos referred to in your answer.

RESPONSE: Please see attached.

INTERROGATORY NO. 23: Was the 1998 Dodge Pickup placed in storage? If yes, please state:

- a) Beginning and ending dates the vehicle was in storage
- b) The reason for storing the vehicle
- c) The cost to date of the storage

RESPONSE:

- a) 02/04/2022 – 02/28/2022;
- b) Towed
- c) \$875.00

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 6: Please provide a copy of all bills, itemized statements, estimates or any other document related to the storage of the 1998 Dodge Pickup.

RESPONSE: See attached.

INTERROGATORY NO. 24: Please list each lay witness you intend to call at the trial in this matter, listing for each:

- a) Name, address, telephone number of the witness
- b) Gist of the expected testimony of the witness

RESPONSE: Witnesses have not been identified for trial purposes at this time. Subject to the foregoing, Claimant may call any of the medical providers who assessed or treated Claimant, as may be disclosed or identified from the medical records provided to the Respondent, including but not limited to, any such medical providers identified in response to any other discovery request to

Claimant. As discovery progresses, Claimant will supplement as necessary to comply with the Arkansas Rules of Civil Procedure.

INTERROGATORY NO. 25: Please list each expert witness you intend to call at the trial in this matter, listing for each:

- a) Name, company, address, telephone number of the witness
- b) Field of expertise
- c) Number of trials in which the expert has testified
- d) Gist of the expected testimony of the witness
- e) List of any materials, books, literature, maps, diagrams, or any other tangible item the expert intends to rely upon in forming and giving his expert opinion.

RESPONSE: Expert witnesses have not been identified for trial purposes at this time. Subject to the foregoing, Claimant may call any of the medical providers who assessed or treated Claimant, as may be disclosed or identified from the medical records provided to the Respondent, including but not limited to, any such medical providers identified in response to any other discovery request to Claimant. As discovery progresses, Claimant will supplement as necessary to comply with the Arkansas Rules of Civil Procedure.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 7: Please attach a copy of the C.V. or Résumé of each expert witness you referred to in your answer to the preceding Interrogatory.

RESPONSE: Please see Response to Interrogatory No. 25.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 8: Please attach a copy of each and every tangible item listed in your answer to Part e of the preceding Interrogatory.

RESPONSE: Please see Response to Interrogatory No. 25.

INTERROGATORY NO. 26: Please list any item of evidence you intend to offer into evidence at the trial in this matter.

RESPONSE: Claimant has not determined what exhibits he will introduce into evidence at trial of this matter at this early point in discovery. Subject to the foregoing, please see attached medical

bills, medical records, and photographs of Claimant. Claimant will supplement as necessary to comply with Arkansas Rules of Civil Procedure.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 9: Please attach a copy of each and every item of evidence you referred to in your answer to the preceding Interrogatory.

RESPONSE: Please see response to Interrogatory No. 26.

INTERROGATORY NO. 27: Will you consider these Interrogatories ongoing and supplement any answers within 10 days of receipt as any responsive information becomes available to you?

RESPONSE: Yes.

Respectfully submitted,

Taylor King & Associates, P.A.
820 W 3rd St.
Little Rock, AR 72201
(501) 712-2554
chrisheil@taylorkinglaw.com

By:



Christopher Heil, Bar No.: 92128

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for all parties in the foregoing matter with a copy of this pleading by email, facsimile, hand-delivery, the Court's electronic notification system or depositing in the United States mail a copy properly addressed with adequate postage thereon.

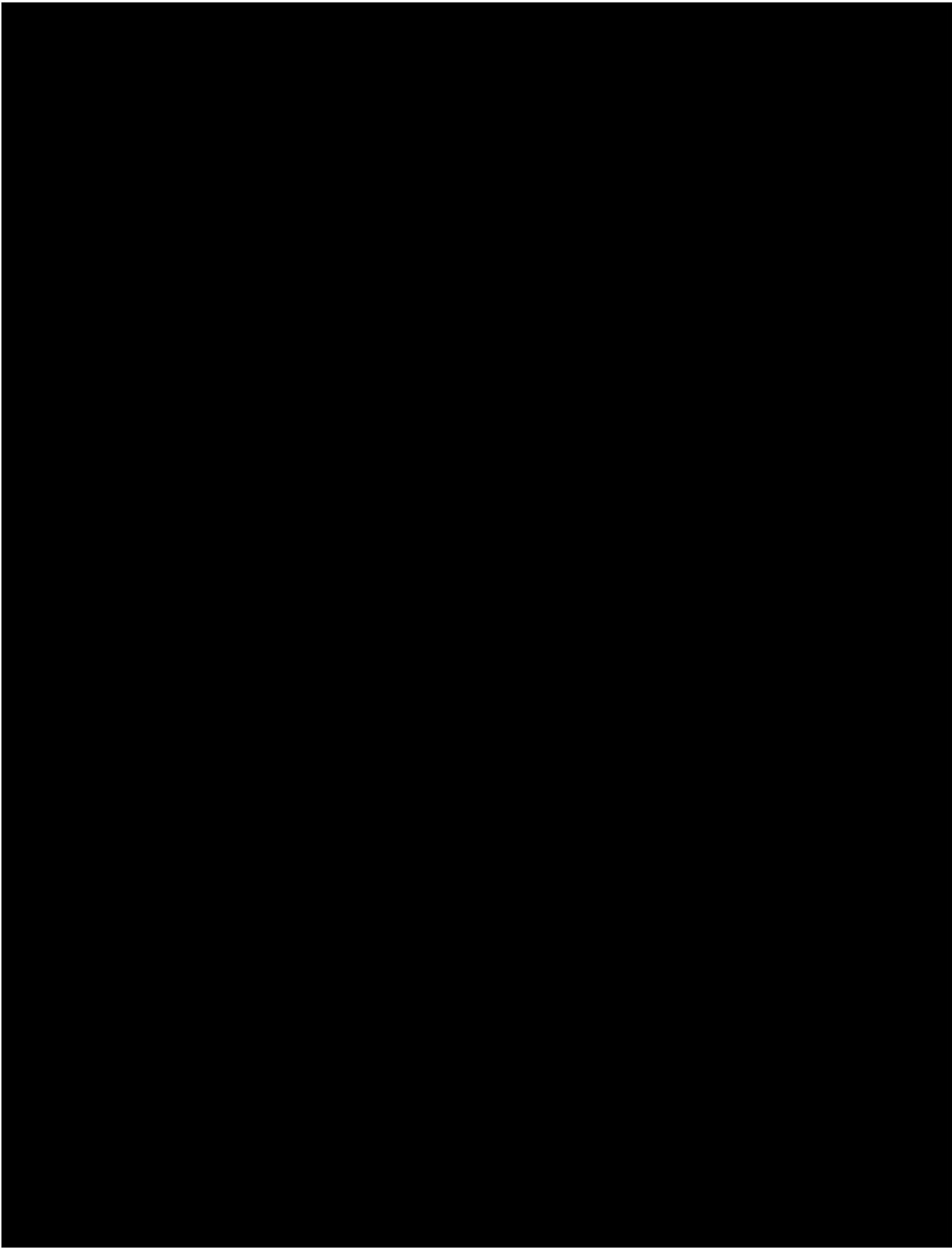
Dated this 17th day of May, 2022.

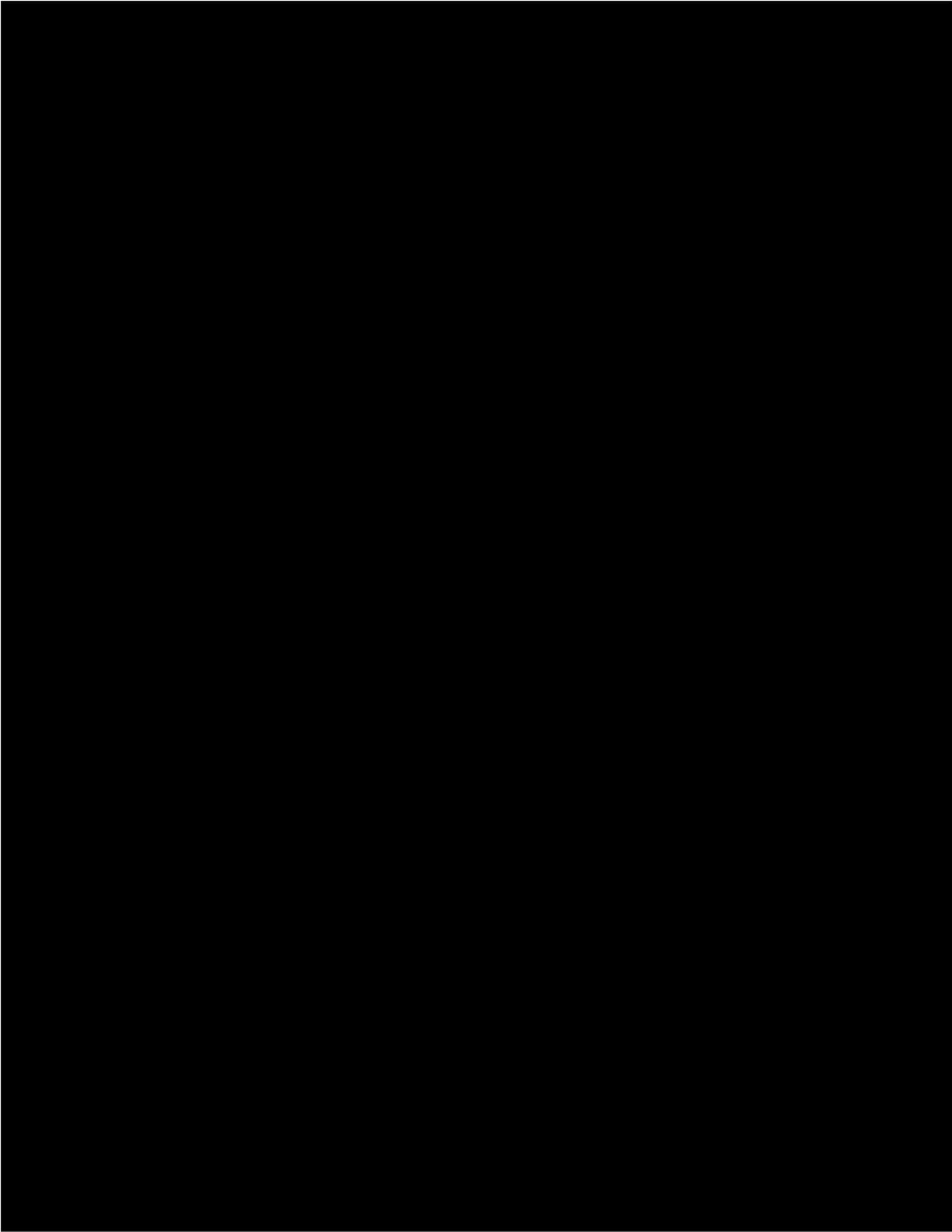
Served on:

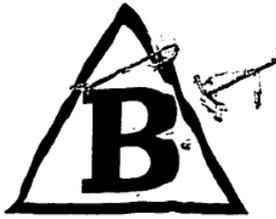
Trella A. Sparks, Staff Attorney
A.B.A. No. 2004-105
P.O. Box 2261
Little Rock, AR 72203-2261
Phone: (501) 569-2157
Fax: (501) 569-2164
Email: trella.sparks@ardot.gov



Christopher Heil







TRIANGLE B TOWING, INC.

DBA

**SKEETER BEENE'S
FAMILY, INC.**

CAR CARE CENTER, TOWING, & SALVAGE
PO Box 505 • 260 N. Main • Melbourne, AR 72556
870-368-4350

**24 HOUR
ROAD
SERVICE**

09810

TIME OF CALL A.M. P.M.	DATE IN 2-4-22	DATE OUT 2-28-22	TIME START A.M. P.M.	TIME FINISH A.M. P.M.	REQUESTED BY SP LP OR	PO/CASE #	OFFICER NAME Z 24
NAME Ruddy Patterson					PHONE		
ADDRESS							
CITY							
YEAR	MAKE/MODEL Dodge		COLOR	ODOMETER		DRIVER	
MARKER PLATE #		STATE	VIN #			REGISTERED OWNER	
LOCATION OF VEHICLE Highway 9 North							
TOWED TO Yard							

REASON FOR TOW

<input checked="" type="checkbox"/> ACCIDENT	<input type="checkbox"/> BREAKDOWN
<input type="checkbox"/> ABANDONED	<input type="checkbox"/> UNREGISTERED
<input type="checkbox"/> NO START	<input type="checkbox"/> OUT OF GAS
<input type="checkbox"/> FLAT TIRE	<input type="checkbox"/> FIRE LANE
<input type="checkbox"/> LOCK OUT	<input type="checkbox"/> NO TRESPASS
<input type="checkbox"/> TOW ZONE	<input type="checkbox"/> ARREST
<input type="checkbox"/> STOLEN	<input type="checkbox"/> IMPOUNDED
<input type="checkbox"/> SNOW REMOVAL	<input type="checkbox"/>

VEHICLE STORAGE TIME
FROM 2-4-22 TO 2-28-22 DAYS @ \$35⁰⁰

MILEAGE

FINISH	START	TOTAL
		4

NOTES

BASIC CHARGE	150	00
MILEAGE	12	00
ROUND TRIP MILEAGE		
RECOVERY	350	00
Clean Up/ Secure Loose Parts	150	00
Gage Fee/Admin Fee /Certified Letter	60	00
STORAGE	875	00
sec. law	150	00
SUBTOTAL	1747	00
TAX	157	23
TOTAL	1904	23

METHOD OF PAYMENT

CASH CHARGE CHECK # _____

VISA **AMERICAN EXPRESS** EXP. DATE _____

CREDIT CARD # _____

DRIVER'S SIGNATURE _____ DATE _____

AUTHORIZED SIGNATURE DATE _____

I agree to hold this company harmless for any damages due to towing or services rendered.

We cannot be responsible for damages caused by faulty tires, bumper brackets, etc. This company assumes no responsibility for loss or damage by theft, fire, or any other cause beyond our control, to any vehicle placed with them for storage or repair.

Thank You





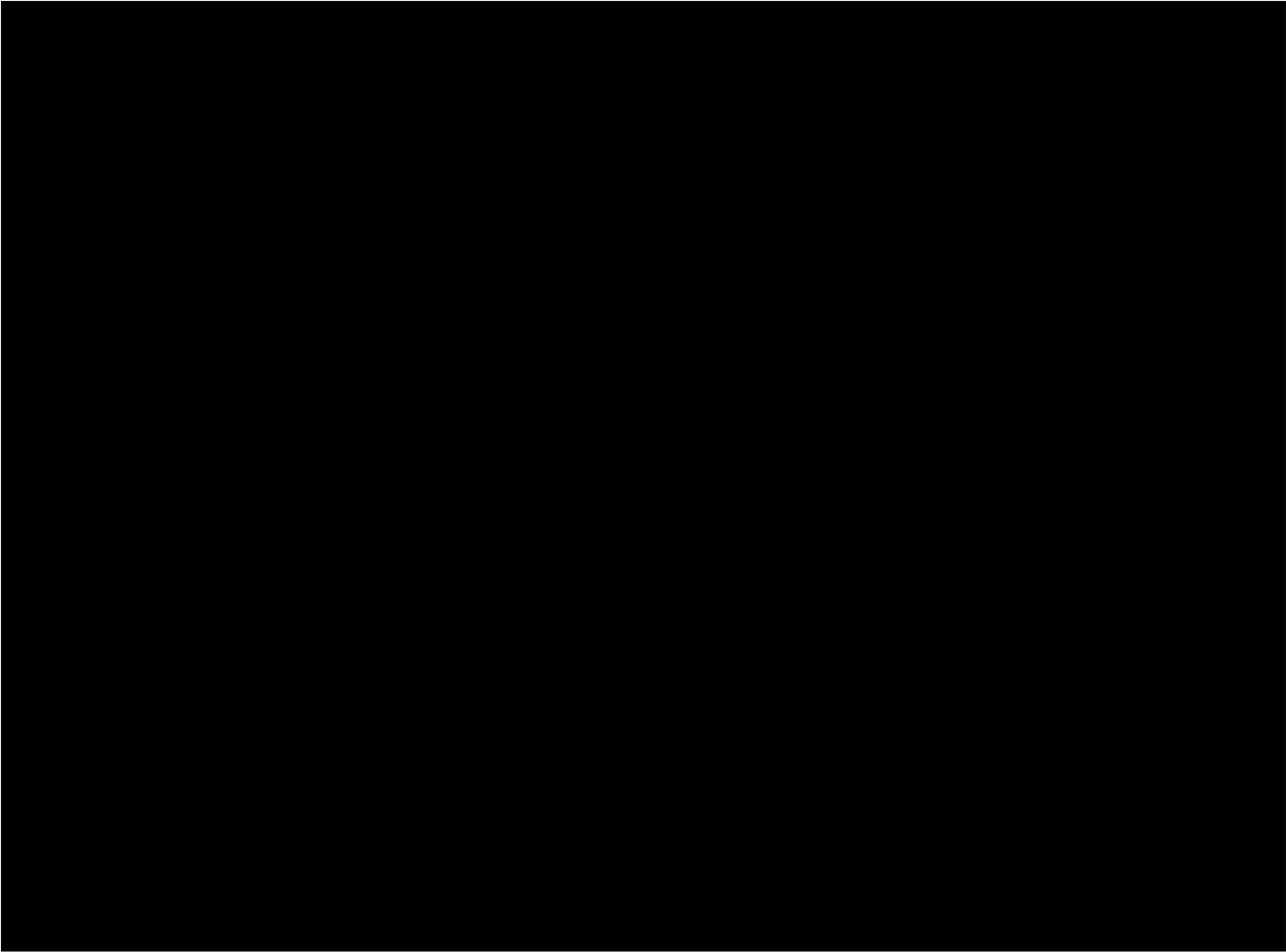
































**BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS**

BUDDY PATTERSON

CLAIMANT

V.

CLAIM NO. 221005

ARKANSAS DEPARTMENT OF TRANSPORTATION

RESPONDENT

**RESPONDENT'S WITNESS AND EXHIBIT LIST
AND PRE-HEARING BRIEF**

Witness List:

1. Buddy Patterson
2. Lance Gross
3. Deric Wyatt
4. Dr. Shad McClain, D.C.
5. Any witness or individual identified in Discovery.

Exhibit List:

1. Claimant's Responses to Interrogatories and Requests for Production
2. Any Exhibit Identified by Claimant
3. Any Exhibit Identified in Discovery

Pre-Hearing Brief

This case involved a collision between ArDOT vehicle that was executing a snow-plow and Claimant's vehicle on February 4, 2022. The ArDOT vehicle was driven by Mr. Lance Gross. Mr. Gross was plowing snow on the aforementioned date on Highway 9 near Melbourne. Claimant and Respondent's driver had a head on collision. ArDOT has not disputed liability in this incident. However, ArDOT has disputed the amount of damages that Claimant had imputed as well as the amount of storage charges that Claimant has made a claim for.

Respectfully submitted,
ARKANSAS STATE HIGHWAY COMMISSION

By: /s/ Alexander C. Denker
Alexander C. Denker, Ark. Bar No. 2022074
Ivan Martinez, Ark. Bar No. 2024003
Attorneys for ArDOT
P.O. Box 2261
Little Rock, AR 72203-2261
(501) 569-2165
(501) 569-2164 *fax*
alexander.denker@ardot.gov
ivan.martinez@ardot.gov

CERTIFICATE OF SERVICE

I, Alexander C. Denker, the undersigned Attorney for the within Respondent, do hereby certify that I have served a true and correct copy of the foregoing document to opposing counsel via electronic mail on this 15th day of November, 2024, to the following:

Chris Heil
chrisheil@taylorkinglaw.com

/s/ Alexander C. Denker
Alexander C. Denker

From: [Kathryn Irby](#)
To: [Denker, Alexander C.](#); [Chris Heil](#)
Cc: [Davenport, Michelle L.](#); [Martinez, Ivan](#); [Blakley, Sharon D.](#)
Subject: INFO NEEDED: Patterson v. ARDOT 221005
Date: Monday, December 9, 2024 11:06:00 AM
Attachments: [ArDOT Witness Exhibit List and PreHearing Brief.pdf](#)
[image001.png](#)
[image002.jpg](#)
Importance: High

Chris and Alex, I see in ArDOT's prehearing brief that ArDOT is not disputing liability (I'm referring to the sentence in the prehearing brief where ArDOT states that "ArDOT has not disputed liability in this incident"). However, it appears that both parties have listed witnesses that seem to be liability witnesses. Am I mistaken? **If not, will the parties please submit revised witness lists today or tomorrow?**

Thanks,
Kathryn

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

From: Denker, Alexander C. <Alexander.Denker@ardot.gov>
Sent: Friday, November 15, 2024 3:16 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Chris Heil <chrisheil@taylorkinglaw.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Davenport, Michelle L. <Michelle.Davenport@ardot.gov>; Martinez, Ivan <Ivan.Martinez@ardot.gov>; Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
Subject: RE: INFO NEEDED: Patterson v. ARDOT 221005

Good Afternoon,

Sorry that these submissions are late in the day. This was reassigned from Amanda to Ivan Martinez and myself. Please let this serve as our entry of appearance. If you need a formal motion entry, please let me know and I will get something filed as soon as possible.

Please find our attached pre-hearing materials. If you need anything else, please let me know!

Thank you and have a great weekend!

Alexander C. Denker
Staff Attorney

Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
Direct Line: 501.569-2165
Email: Alexander.Denker@ardot.gov



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Phone: (501) 400-0572
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taylorkinglaw.com



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To: [Chris Heil](#)
Cc: [Denker, Alexander C.](#); [Davenport, Michelle L.](#)
Subject: RE: INFO NEEDED: Patterson v. ARDOT 221005
Date: Monday, December 9, 2024 11:07:00 AM

This is the only matter set for Friday. There is some agency business that will need to be handled (presentation of our most recent audit, etc.), but that will only take 5 minutes or so.

Kathryn

From: Chris Heil <chrisheil@taylorlaw.com>
Sent: Tuesday, December 3, 2024 1:49 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Denker, Alexander C. <Alexander.Denker@ardot.gov>; Davenport, Michelle L. <Michelle.Davenport@ardot.gov>
Subject: Re: INFO NEEDED: Patterson v. ARDOT 221005

Ms. Irby: Is there any way to know, or get a good approximation of when this claim will be heard next Friday (13th)? I'm sure several claims are heard that day. The reason I ask is that one of my witnesses is a doctor, a chiropractor, and it would be nice for his patient scheduling if I had an idea of what time frame our claim would be heard. Any help you can provide is appreciated!

Sincerely,
Chris Heil

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Friday, November 15, 2024 2:25 PM
To: Chris Heil <chrisheil@taylorlaw.com>
Cc: Denker, Alexander C. <Alexander.Denker@ardot.gov>; Davenport, Michelle L. <Michelle.Davenport@ardot.gov>
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Kathryn Irby

Kathryn Irby

Arkansas State Claims Commission

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Chris Heil | Attorney

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To: [Kathryn Irby](#); [Chris Heil](#)
Cc: [Davenport, Michelle L.](#); [Martinez, Ivan](#); [Blakley, Sharon D.](#)
Subject: RE: INFO NEEDED: Patterson v. ARDOT 221005
Date: Tuesday, December 10, 2024 9:46:44 AM
Attachments: [image001.png](#)
[image002.jpg](#)
[Updated ArDOT Witness Exhibit List and PreHearing Brief.pdf](#)

Good Morning Kathryn,

ArDOT is not disputing liability for the accident and is only contesting the various damages. I believe that the liability witnesses that you are referring to are Mr. Lance Gross and Mr. Deric Wyatt.

Mr. Heil and I have spoken and with the clarification that this is only on Damages, we have agreed to exclude Mr. Gross's deposition and thus ArDOT will not need to call Mr. Deric Wyatt. Please find the attached updated Pre-Trial Materials from ArDOT.

Please let me know if you need anything else. Additionally, Mr. Heil and I were not sure if a Zoom link had been generated for this trial yet. Has one been created? And if so, could you forward that to us?

Thank you and have a great day!

Alexander C. Denker

Staff Attorney
Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
Direct Line: 501.569-2165
Email: Alexander.Denker@ardot.gov



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To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Chris Heil <chrisheil@taylorkinglaw.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Davenport, Michelle L. <Michelle.Davenport@ardot.gov>; Martinez, Ivan <Ivan.Martinez@ardot.gov>; Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
Subject: RE: INFO NEEDED: Patterson v. ARDOT 221005

Good Afternoon,

Sorry that these submissions are late in the day. This was reassigned from Amanda to Ivan Martinez and myself. Please let this serve as our entry of appearance. If you need a formal motion entry, please let me know and I will get something filed as soon as possible.

Please find our attached pre-hearing materials. If you need anything else, please let me know!

Thank you and have a great weekend!

Alexander C. Denker

Staff Attorney
Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
Direct Line: 501.569-2165
Email: Alexander.Denker@ardot.gov



From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Friday, November 15, 2024 2:25 PM
To: Chris Heil <chrisheil@taylorkinglaw.com>
Cc: Denker, Alexander C. <Alexander.Denker@ardot.gov>; Davenport, Michelle L. <Michelle.Davenport@ardot.gov>
Subject: INFO NEEDED: Patterson v. ARDOT 221005

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Mr. Heil, thank you for this information.

Mr. Denker, let me know if I'm missing it, but I do not have an entry of appearance for you. The only correspondence or filings that I see for this claim was by Amanda Andrews. I also do not have any prehearing materials from ArDOT for this matter, and I do not see any from the previous hearing setting. Please let me know if I am missing something.

Kathryn Irby

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

From: Chris Heil <chrisheil@taylorkinglaw.com>
Sent: Friday, November 15, 2024 9:22 AM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Denker, Alexander C. <Alexander.Denker@ardot.gov>
Subject: Patterson v. ARDOT 221005

All: Please accept the attached updated Exhibits 16 (bills) and 17 (records) and substitute them for the same exhibits provided with the Exhibit list and Pre-Hearing Brief filed on April 19, 2024 before the previously scheduled hearing. Please advise if further action or information is needed.

Sincerely,
Chris Heil

Chris Heil | Attorney

Phone: **(501) 400-0572**
Email: **chrisheil@taylorkinglaw.com**
Address: **820 West Third Street, Little Rock, AR,
72201**



taylorkinglaw.com



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

BUDDY PATTERSON

CLAIMANT

V.

CLAIM NO. 221005

ARKANSAS DEPARTMENT OF TRANSPORTATION

RESPONDENT

**RESPONDENT'S WITNESS AND EXHIBIT LIST
AND PRE-HEARING BRIEF**

Witness List:

1. Buddy Patterson
2. Dr. Shad McClain, D.C.
3. Any witness or individual identified in Discovery.

Exhibit List:

1. Claimant's Responses to Interrogatories and Requests for
Production
2. Any Exhibit Identified by Claimant
3. Any Exhibit Identified in Discovery

Pre-Hearing Brief

This case involved a collision between ArDOT vehicle that was executing a snow-plow and Claimant's vehicle on February 4, 2022. The ArDOT vehicle was driven by Mr. Lance Gross. Mr. Gross was plowing snow on the aforementioned date on Highway 9 near Melbourne. Claimant and Respondent's driver had a head on collision. ArDOT has not disputed liability in this incident. However, ArDOT has disputed the amount of damages that Claimant had imputed as well as the amount of storage charges that Claimant has made a claim for.

Respectfully submitted,
ARKANSAS STATE HIGHWAY COMMISSION

By: /s/ Alexander C. Denker

Alexander C. Denker, Ark. Bar No. 2022074

Ivan Martinez, Ark. Bar No. 2024003

Attorneys for ArDOT

P.O. Box 2261

Little Rock, AR 72203-2261

(501) 569-2165

(501) 569-2164 *fax*

alexander.denker@ardot.gov

ivan.martinez@ardot.gov

CERTIFICATE OF SERVICE

I, Alexander C. Denker, the undersigned Attorney for the within Respondent, do hereby certify that I have served a true and correct copy of the foregoing document to opposing counsel via electronic mail on this 15th day of November, 2024, to the following:

Chris Heil
chrisheil@taylorkinglaw.com

/s/ Alexander C. Denker

Alexander C. Denker

From: [Kathryn Irby](#)
To: [Denker, Alexander C.](#); [Chris Heil](#)
Cc: [Davenport, Michelle L.](#); [Martinez, Ivan](#); [Blakley, Sharon D.](#)
Subject: RE: INFO NEEDED: Patterson v. ARDOT 221005
Date: Wednesday, December 11, 2024 2:21:00 PM
Attachments: [image001.png](#)
[image002.jpg](#)

Alex, thanks for the updated prehearing materials. The Zoom invitation was included with the rescheduled hearing letter. But I am also enclosing it below.

Thanks,
Kathryn

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Hearings

Time: Dec 13, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/81297912340?pwd=psLAIMptlmyalCQjbZqvb7NkBV1QdD.1>

Meeting ID: 812 9791 2340

Passcode: CC1YNt

One tap mobile

+13092053325,,81297912340#,,,,*844000# US

+13126266799,,81297912340#,,,,*844000# US (Chicago)

Dial by your location

- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US

- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US

Meeting ID: 812 9791 2340

Passcode: 844000

Find your local number: <https://us06web.zoom.us/j/81297912340>

From: Denker, Alexander C. <Alexander.Denker@ardot.gov>

Sent: Tuesday, December 10, 2024 9:47 AM

To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Chris Heil <chrisheil@taylorkinglaw.com>

Cc: Davenport, Michelle L. <Michelle.Davenport@ardot.gov>; Martinez, Ivan <Ivan.Martinez@ardot.gov>; Blakley, Sharon D. <Sharon.Blakley@ardot.gov>

Subject: RE: INFO NEEDED: Patterson v. ARDOT 221005

Good Morning Kathryn,

ArDOT is not disputing liability for the accident and is only contesting the various damages. I believe that the liability witnesses that you are referring to are Mr. Lance Gross and Mr. Deric Wyatt.

Mr. Heil and I have spoken and with the clarification that this is only on Damages, we have agreed to exclude Mr. Gross's deposition and thus ArDOT will not need to call Mr. Deric Wyatt. Please find the attached updated Pre-Trial Materials from ArDOT.

Please let me know if you need anything else. Additionally, Mr. Heil and I were not sure if a Zoom link had been generated for this trial yet. Has one been created? And if so, could you forward that to us?

Thank you and have a great day!

Alexander C. Denker

Staff Attorney
 Arkansas Department of Transportation
 P.O. Box 2261
 Little Rock, AR 72203-2261
 Direct Line: 501.569-2165
 Email: Alexander.Denker@ardot.gov



From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, December 9, 2024 11:07 AM
To: Denker, Alexander C. <Alexander.Denker@ardot.gov>; Chris Heil <chrisheil@taylorlaw.com>
Cc: Davenport, Michelle L. <Michelle.Davenport@ardot.gov>; Martinez, Ivan <Ivan.Martinez@ardot.gov>; Blakley, Sharon D. <Sharon.Blakley@ardot.gov>
Subject: INFO NEEDED: Patterson v. ARDOT 221005
Importance: High

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Chris and Alex, I see in ArDOT's prehearing brief that ArDOT is not disputing liability (I'm referring to the sentence in the prehearing brief where ArDOT states that "ArDOT has not disputed liability in this incident"). However, it appears that both parties have listed witnesses that seem to be liability witnesses. Am I mistaken? **If not, will the parties please submit revised witness lists today or tomorrow?**

Thanks,
 Kathryn

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

From: Denker, Alexander C. <Alexander.Denker@ardot.gov>
Sent: Friday, November 15, 2024 3:16 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Chris Heil <chrisheil@taylorlaw.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Davenport, Michelle L. <Michelle.Davenport@ardot.gov>; Martinez, Ivan <Ivan.Martinez@ardot.gov>; Blakley, Sharon D. <Sharon.Blakley@ardot.gov>

Subject: RE: INFO NEEDED: Patterson v. ARDOT 221005

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Please find our attached pre-hearing materials. If you need anything else, please let me know!

Thank you and have a great weekend!

Alexander C. Denker

Staff Attorney
Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203-2261
Direct Line: 501.569-2165
Email: Alexander.Denker@ardot.gov



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Kathryn Irby

Kathryn Irby
Arkansas State Claims Commission

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Cc: Denker, Alexander C. <Alexander.Denker@ardot.gov>
Subject: Patterson v. ARDOT 221005

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Sincerely,
Chris Heil
Chris Heil | Attorney

Phone: **(501) 400-0572**
Email: **chrisheil@taylorkinglaw.com**
Address: **820 West Third Street, Little Rock, AR,
72201**



taylorkinglaw.com



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**BUDDY PATTERSON****CLAIMANT****V.****CLAIM NO. 221005****ARKANSAS DEPARTMENT OF
TRANSPORTATION****RESPONDENT****ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is the claim of Buddy Patterson (the “Claimant”) against the Arkansas Department of Transportation (the “Respondent”). At the hearing held December 13, 2024, Christopher Heil appeared on Claimant’s behalf, and Alex Denker and Ivan Martinez appeared on behalf of Respondent.

As detailed below, and in light of Respondent’s admission of liability prior to hearing, the Commission finds that Claimant is entitled to \$24,385.33 in damages related to this accident.

Procedural History, Prehearing Matters, and Witness Testimony

1. Claimant filed this claim against Respondent, seeking \$40,000 in damages after Claimant was injured in a head-on collision with Respondent’s snowplow-equipped vehicle on February 4, 2022, on Highway 9 near Melbourne, Arkansas. Claimant suffered property damage to his vehicle, storage and towing charges, and personal injuries.

2. Respondent filed an answer denying liability for storage charges incurred by Claimant and requested that a hearing be scheduled to determine the nature and extent of Claimant’s damages.

3. At the beginning of the hearing, upon a question from Chairman Morris, Respondent confirmed that Claimant is an employee of the county road department, not an employee of Respondent.

4. Respondent clarified in correspondence dated December 10, 2024, and also upon a question by Chairman Morris, that Respondent is not disputing liability for the accident and is only contesting the damages sought by Claimant.

5. The Commission admitted Claimant's Exhibit Nos. 1–8, 10, and 12–17 without objection. Respondent noted that Claimant's Exhibit Nos. 9 and 11 related to the issue of liability and are therefore irrelevant to this damages hearing. Following the end of the hearing, at Respondent's request, the Commission excluded Claimant's Exhibit Nos. 9 and 11 as not part of the Commission's consideration.

6. The Commission admitted Respondent's Exhibit No. 1 without objection.

7. Claimant presented an opening statement stating, *inter alia*, that Claimant's chiropractic care is part of Claimant's damages and that Claimant's vehicle was totaled in the accident.

8. Respondent presented an opening statement stating, *inter alia*, that Claimant has approximately \$15,000 in damages that Claimant can prove but that Claimant has overinflated the calculation of his damages.

9. Upon a question from Chairman Morris regarding Claimant's insurance coverage, Claimant's counsel stated that Claimant's automobile insurance had no med pay coverage or uninsured motorist coverage. Claimant's emergency room visit was covered by Claimant's insurance but not Claimant's chiropractic care.

10. Following the presentation of testimony, Claimant's counsel presented a closing argument. Claimant's counsel argued that the CT scan of Claimant's neck was a red herring that has no value to the Commission and that Claimant should not be expected at the age of 64 years to change his job completely when he can get treatment that makes his chosen job tolerable.

Claimant's counsel stated that Claimant is seeking reimbursement of the towing and storage bill, the value of Claimant's truck (which would be somewhere between \$3,000 and \$9,800), payment of Claimant's chiropractor bills, and some amount for Claimant's pain and suffering.

11. Respondent also presented a closing argument, stating that Dr. McClain ignored Claimant's degenerative disc disease and that Respondent should only have to pay Claimant's actual damages of approximately \$15,000.

Testimony by Dr. Shad McClain

12. Claimant's counsel called Dr. Shad McClain to testify. After being sworn in, Dr. McClain testified that he has gone through the medical records for Claimant. Adding three more visits between November 15 and December 6, 2024, Dr. McClain stated that Claimant's total chiropractic bills are \$11,481.10 as of the hearing date. Dr. McClain first saw Claimant on February 11, 2022, one week after the accident. Claimant complained of low back pain. Dr. McClain concluded that [REDACTED] Claimant also had some [REDACTED]. This finding is consistent with the type of accident. Dr. McClain stated that the seat belt was probably the cause of the injury. Dr. McClain testified that twisting and bending motions aggravate the injury. Claimant comes to see Dr. McClain once per week and does exercises on home. Claimant does not do much on the weekends because that is when he rests following his Monday–Thursday work week. Claimant feels the best during the month of December because he is off of work that month. Dr. McClain's treatment will not cure Claimant but will give him more mobilization. Dr. McClain stated that Claimant is very compliant with the instructions he is given. When Claimant twists or shovels a lot, the pain gets worse. Dr. McClain testified that Claimant will need continual care (and will need to continue his exercises at home) to be functional and active. He also testified that the [REDACTED]

15. Upon a question from Commissioner Graves, Dr. McClain stated that his training included physical therapy, X-ray tech skills, radiology, and chiropractic care.

16. Upon a question from Commissioner Graves, Dr. McClain stated that his goal with Claimant is increased mobilization to keep Claimant moving and to keep the [REDACTED] in place. Keeping the [REDACTED] in place minimizes pain

17. Upon a question from Commissioner Graves, Dr. McClain stated that Claimant has learned to live with pain. Dr. McClain's goal is to minimize that pain and to increase Claimant's mobility.

18. Upon a question from Commissioner Graves, Dr. McClain stated that Claimant is right side dominant.

19. Upon a question from Commissioner Graves, Dr. McClain stated that he does his own X-rays because he takes weight-bearing X-rays, which is not how a hospital typically does X-rays. He will review outside X-rays but does not rely on those.

20. Upon a question from Commissioner Holcomb as to the cause of Claimant's [REDACTED], Dr. McClain stated that the seatbelt is his best guess. Dr. McClain has not previously seen both ligaments like Claimant's are.

21. Claimant's counsel and Respondent's counsel declined to further question Dr. McClain.

Testimony of Buddy Patterson

22. Claimant's counsel called Claimant to testify. After being sworn in, Claimant testified that he does construction work for IZARD County. He has done manual labor for decades. Claimant reviewed Claimant's Exhibit Nos. 1-6 and stated that these photographs showed the impact from the accident. Claimant stated that Claimant's Exhibit No. 7 showed the damage to his

vehicle. When asked about the accident, Claimant testified that it was a “blur.” At the accident scene, Claimant felt [REDACTED]. The first responders said that the area of injury was [REDACTED]. Claimant went to the hospital and was told that there was nothing wrong with his back. A few days later, Claimant went to see Dr. McClain. Claimant chose Dr. McClain himself. Claimant sees Dr. McClain once per week and does exercises at home, including walking a mile, [REDACTED]k. Claimant testified that for him to keep working, Claimant must keep following Dr. McClain’s directions. Claimant is 64 years old and does not plan to retire soon. Claimant may retire when he is 70 years old. Claimant does not drink, smoke, or do drugs, and he does not want to take medication. He testified that he experiences pain every day in his groin. He described the pain as a grinding pain that is made worse by heavy lifting. Claimant previously enjoyed hunting, fishing, and outdoor activities, but now, such activities cause him pain. Referring to Claimant’s Exhibit No. 12, Claimant stated that his received a towing and storage bill of approximately \$1,700. Claimant’s vehicle that was involved in the accident was a 1998 Dodge truck with approximately 70,000 miles. It was in good working order at the time of the accident. The truck was totaled in the accident. Claimant looked at seven or eight websites and testified that it was very difficult to determine the fair market value of his truck given the low mileage. He did find one vehicle that was somewhat comparable, and that vehicle was valued at \$9,800. He bought the truck from a friend for \$3,000 after the previous owner passed away. The truck was in very good condition and looked as if there had not ever been a passenger in the backseat. Claimant noted that it is difficult to buy a set of tires and rims for \$3,000. Following the accident, Claimant borrowed a vehicle for two to three months until he bought a 2008 Chevrolet truck for an amount that he does not recall.

23. On cross-examination, Claimant testified that he is right-handed. Claimant stated that Respondent should have to pay the fair market value of the truck, not simply what Claimant paid for it. Claimant's truck sat in the tow yard for approximately twenty days. Claimant asked the tow truck operator to bring the truck to Claimant's yard as soon as the tow truck operator could, and it took twenty days because of the road conditions and the tow truck operator's other business. Claimant testified that he went to work after the accident. When asked why he had not considered finding a less physically demanding job, Claimant stated that he did not consider doing so. Claimant testified that the hospital told him that there was nothing wrong with Claimant's back. The hospital did not tell him that he had [REDACTED]. Claimant knew Dr. McClain because Dr. McClain took care of Claimant after a previous accident. When asked why Claimant's damages are more than \$15,000, Claimant stated that Respondent should be responsible for the damages that Claimant incurred, including medical bills and the loss of his truck.

24. Claimant's counsel declined the opportunity for redirect.

25. Upon a question from Commissioner Graves, Claimant stated that he has experienced physical discomfort as part of his job. Since the accident, Dr. McClain has kept Claimant "upright and working."

26. Upon a question from Chairman Morris, Claimant's counsel pointed the Commission to the towing bill submitted by Respondent in its prehearing materials, showing that there were approximately \$720 in towing charges, \$875 in storage charges, and \$150 for the secondary tow of the truck to Claimant's residence, for a total towing and storage bill of \$1,904.23.

Findings of Fact and Conclusions of Law

Based upon a review of the claim file, testimony and evidence presented, and the law of the State of Arkansas, the Commission unanimously finds as follows:

27. The Commission finds that it has jurisdiction over this matter pursuant to Ark. Code Ann. § 19-10-204.

28. The Commission finds that Respondent admitted liability, such that the scope of this hearing was limited to Claimant's damages. Such damages included Claimant's chiropractor bills, the value of Claimant's truck, Claimant's towing and storage bill, and Claimant's pain and suffering. The Commission notes that Respondent acknowledged Claimant's damages of approximately \$15,000 but did not agree that more was owed to Claimant.

29. Arkansas law provides that a party injured in a vehicular accident is entitled to recover his or her damages,¹ including medical expenses;² damage to any personal property, including vehicles;³ and pain and suffering.⁴

30. Regarding Claimant's chiropractor bills, the Commission finds that the testimony of Dr. McClain established the amount of Claimant's chiropractic bills from the first visit following the accident until the date of the hearing at \$11,481.10. The Commission finds it entirely reasonable that Claimant sought chiropractic care when he was told at the hospital that there was nothing wrong with his back, especially given the pain that Claimant was experiencing and the relief that Claimant has found through Dr. McClain's treatments. To the extent that the hospital

¹ Ark. Model Jury Instruction 2222 (if finding for the claimant, the factfinder "must then fix the amount of money which will reasonably and fairly compensate" him for the damages sustained).

² Ark. Model Jury Instruction 2204 (damages for medical care include "[t]he reasonable expense of any necessary medical care, treatment and services received . . .").

³ Ark. Model Jury Instruction 2227 (the measure of damages for personal property, including vehicles, would be "[t]he difference in the fair market value" of the vehicle "immediately before and immediately after the occurrence"). "Fair market value" is defined in Ark. Model Jury Instructions 2221 as the price that the vehicle "would bring on the open market in a sale between a seller who is willing to sell and a buyer who is willing and able to buy after a reasonable opportunity for negotiations."

⁴ Ark. Model Jury Instruction 2205 (the measure of damages for pain and suffering includes "[a]ny pain and suffering experienced in the past").

determined that Claimant may have some [REDACTED], the Commission finds that that any [REDACTED] issues are irrelevant to Claimant's low back pain and notes that Respondent presented no testimony or evidence to the contrary. Regarding Respondent's intimations that Dr. McClain's inability to permanently fix Claimant's low back pain suggests that Dr. McClain is simply trying to profit off of Claimant, the Commission finds that Dr. McClain appeared to be measured, reasonable, honest, and persuasive. As such, the Commission finds that Claimant is entitled to \$11,481.10 to pay his chiropractor bills.

31. Regarding Claimant's towing and storage bill, the Commission finds that the towing and storage bill was reasonable in light of Claimant's testimony that he asked the tow truck operator to bring Claimant's truck to Claimant's residence as soon as the tow truck operator was able to do so given the road conditions and the tow truck operator's other commitments. As such, the Commission finds that Claimant is entitled to \$1,904.23, representing the initial towing of Claimant's truck from the accident scene, storage of the truck for approximately twenty days, and the secondary tow of Claimant's truck to Claimant's residence.

32. Regarding Claimant's truck, the Commission agrees with Claimant that the value of the vehicle cannot be determined simply from the purchase price. In the instant claim, Claimant presented un rebutted testimony that he was given an especially good deal on the truck. The Commission agrees with Claimant that it would be difficult to determine the fair market value of a 1998 truck with low miles. The Commission notes that Respondent did not present any testimony or evidence to suggest that the value of Claimant's truck was anything other than the amount Claimant paid for the vehicle. The Commission finds that Claimant is entitled to \$6,000 as a reasonable value of the truck at the time of the accident.

33. Regarding Claimant's pain and suffering, the Commission finds that Claimant provided detailed, persuasive testimony regarding the pain and suffering he has experienced since the accident and the regimen that he follows each day to keep the pain at a minimum. The Commission finds that Dr. McClain's testimony corroborated Claimant's account of the pain. The Commission finds that Claimant is entitled to \$5,000 in pain and suffering.

34. As such, the Commission AWARDS Claimant a total of \$24,385.33 in damages and directs the Commission clerk to transmit this award to the Arkansas General Assembly for review, approval, and placement on an appropriation bill.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Solomon Graves



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, chair

DATE: June 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: [Chris Heil](#); [Martinez, Ivan](#)
Cc: [Blakley, Sharon D.](#)
Subject: ORDER: Patterson v. ARDOT 221005
Date: Friday, June 6, 2025 10:00:00 AM
Attachments: [Patterson, 221005 -- hearing -- order.pdf](#)

Mr. Heil and Mr. Martinez, please see attached order entered by the Commission. To the extent that either party disagrees with the Commission's decision, please review Section 1 of the text box at the end of the order for the options at this point. Please note that any future filings should be submitted to ascpleadings@arkansas.gov, with a copy to the opposing party.

Thanks,
Kathryn Irby

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