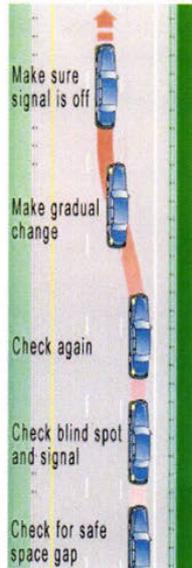


When changing lanes, you should:



- Look in your rear-view and side mirrors. Make sure there are no vehicles in the lane you want to enter and make sure no one is about to pass you.
- Look over your shoulder in the direction you plan to move. Your rearview and side mirrors will not allow you to see vehicles in your blind spots. Blind spots are the rear corners of your vehicle that block other vehicles not seen through your mirrors.
- When checking your blind spot, turn your head and quickly glance over your shoulder. Don't take your eyes off the road ahead for more than an instant. Traffic ahead could stop suddenly while you're checking traffic to the sides, rear, or over your shoulder. Use your mirrors to check the position of other vehicles when preparing to change lanes, merge, or pull onto a roadway. Then just before you move into the opposite lane look quickly over your shoulder
- Remember to look carefully for motorcycles, bicycles and pedestrians which can be especially hard to see when you are entering the roadway from the curb or driveway.

Slowing- Drivers should check behind them before slowing down. Allowing plenty of time to slow down will keep you from stopping suddenly or at points where a following driver would not expect you to slow, such as private driveways or parking lots.

Backing- It can be difficult to get a clear view from behind your vehicle. When backing from a parking space or straight line you should:



- Check behind your vehicle before you get in. Children or small objects cannot be seen from the driver's seat
- Place your right arm over the back of the seat and turn your body, so you can look directly through the rear and side windows. Do not depend on your rearview or side mirrors as you cannot see directly behind your vehicle.
- Back slowly; your vehicle is much harder to steer while you are backing.
- Whenever possible use a person outside the vehicle to help you back.

Moving Along Steep Inclines- Drivers need to check traffic through the mirrors when going down hills or mountains. Vehicles often build up speed moving down a steep grade. Be alert for large trucks and buses that may be going too fast.

AFFIDAVIT OF STATEMENT OF BOBBY DALE WILSON

I, Bobby Dale Wilson of Sulligent, Alabama, do hereby certify that under penalty of perjury, that I communicated this statement to Brent Gasper on May 12, 2023, during a phone call. Mr. Gasper put the statement on paper and I looked at it for accuracy. This written statement is what I said to Mr. Gasper on that phone call. Also, the statement attached to this one is the statement I gave to the Trooper on June 11, 2021.

1. My name is Bobby Dale Wilson and I drove the Peterbilt that was in the wreck on Highway 22. I was working for GKD Trucking which also goes by A&G and Transco.
2. I was driving west on Highway 22. It was two-lane. A few seconds before the accident, I saw the car and the car must've seen me because it pulled over halfway into the shoulder. It looked like it was stopped and was going to turn left.
3. I told the Trooper in my statement that that car was stopped in the east bound lane. But the car was not completely in the lane. It was part on the shoulder.
4. Right after that there was the collision in the other lane and the car that hit the car that had just been on the shoulder then came over and hit my truck.
5. This is basically what I remember.

06/07/23
Date

Bobby Dale Wilson
Bobby Dale Wilson

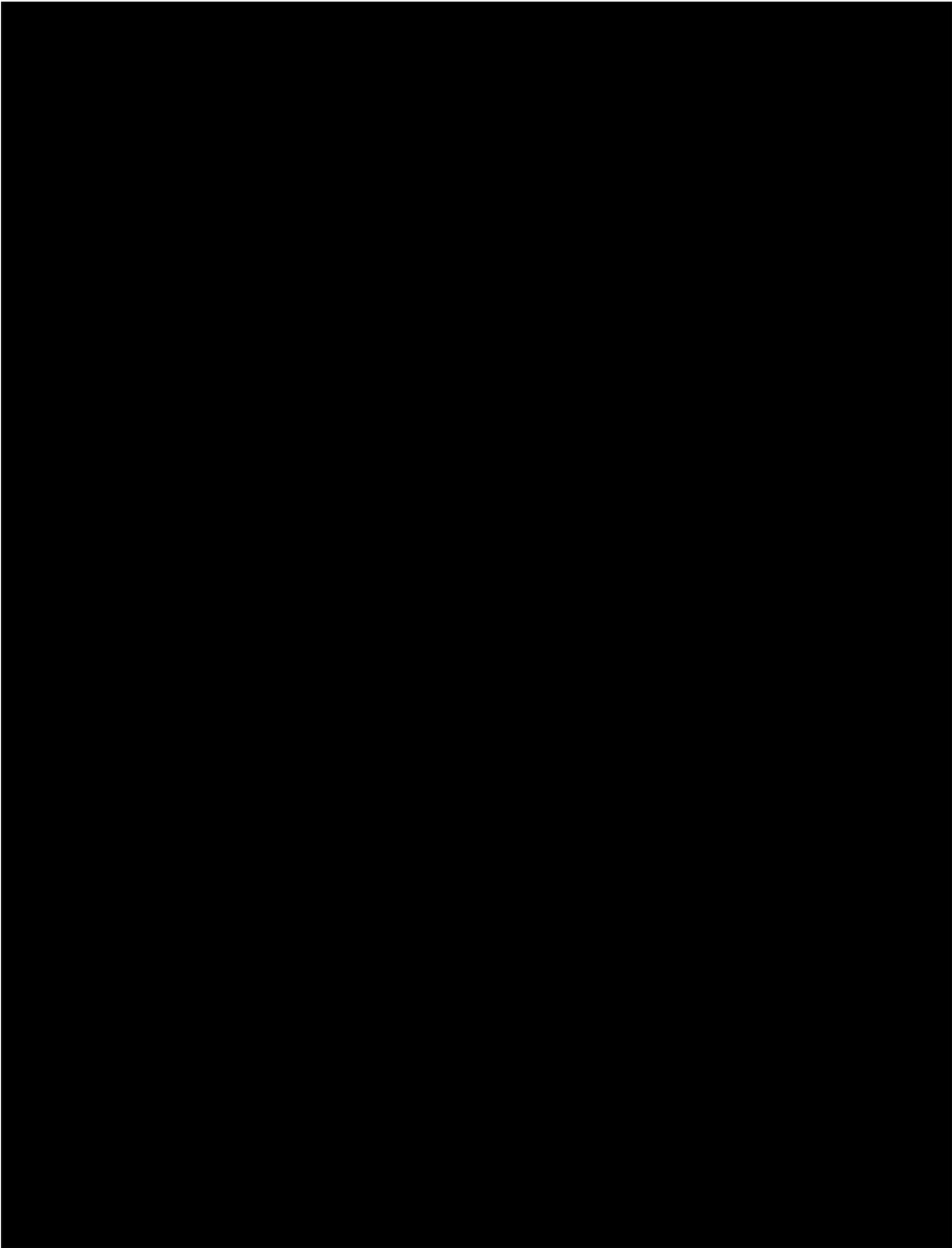
Subscribed and sworn to before me on this 7th day of May, 2023.

Notary Public
My commission expires 01/15/2029

Signature: *[Handwritten Signature]*



This Notarization was conducted using audio/video technology provided by eNotaryLog, LLC
Session ID: cfd698c7-34bf-4cd9-a728-93c87c388666
Document ID: a661b8b1-72b7-4298-b6ff-6f3a0b0d7fa1 HH 000051



From: [Kathryn Irby](#)
To: [Jim Jackson](#); [Brent Gasper](#)
Cc: [Martha Cox](#); [Daiquiri Carter](#)
Subject: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Monday, June 26, 2023 10:23:00 AM

Jim and Brent, a special hearing has been scheduled for this Thursday, June 29, at 8:00 a.m. to take up DHS' motion filed on June 23rd. The Zoom invitation is below. If the parties will join a minute or two before, that will enable me to do a quick sound check before we get started.

Jim, to the extent that you would like to respond to the motion, please email your response to ascpleadings@arkansas.gov and to me by 5pm on Wednesday, June 28.

I would like for each party to respond and to confirm receipt of this email.

Thanks,
Kathryn

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

Topic: Claims Commission -- special hearing
Time: Jun 29, 2023 08:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/86190081626?pwd=THk2T213Ync4Y1Vpa0VKb3U5V29Ddz09>

Meeting ID: 861 9008 1626
Passcode: 7rhK7V

One tap mobile

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- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 253 205 0468 US

- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 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

Meeting ID: 861 9008 1626

Passcode: 375102

Find your local number: <https://us06web.zoom.us/j/kcdl4UagGe>

From: [Jim Jackson](#)
To: [Kathryn Irby](#); [Brent Gasper](#)
Cc: [Martha Cox](#); [Daiquiri Carter](#)
Subject: RE: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Monday, June 26, 2023 10:56:56 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Kathryn,

I am in receipt of the notice and Zoom information for this Thursday.

Thank you,

Jim



Jim Jackson

Jackson Law Firm

JimJacksonAtty.com

700 W. Broadway

North Little Rock, AR 72114

P (501) 823-3610

F (501) 823-3611



From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, June 26, 2023 10:24 AM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Jim and Brent, a special hearing has been scheduled for this Thursday, June 29, at 8:00 a.m. to take up DHS' motion filed on June 23rd. The Zoom invitation is below. If the parties will join a minute or two before, that will enable me to do a quick sound check before we get started.

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Kathryn

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

Topic: Claims Commission -- special hearing

Time: Jun 29, 2023 08:00 AM Central Time (US and Canada)

Join Zoom Meeting

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Passcode: 7rhK7V

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- +1 360 209 5623 US
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- +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

Meeting ID: 861 9008 1626

Passcode: 375102

Find your local number: <https://us06web.zoom.us/j/kcdl4UagGe>

From: [Brent Gasper](#)
To: [Kathryn Irby](#); [Jim Jackson](#)
Cc: [Martha Cox](#); [Daiquiri Carter](#)
Subject: RE: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Tuesday, June 27, 2023 8:11:27 AM

Received, thank you Kathryn,

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, June 26, 2023 10:24 AM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Jim and Brent, a special hearing has been scheduled for this Thursday, June 29, at 8:00 a.m. to take up DHS' motion filed on June 23rd. The Zoom invitation is below. If the parties will join a minute or two before, that will enable me to do a quick sound check before we get started.

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Meeting ID: 861 9008 1626

Passcode: 375102

Find your local number: <https://us06web.zoom.us/j/kcdl4UagGe>

From: [Martha Cox](#)
To: [ASCC Pleadings](#); [Kathryn Irby](#)
Cc: [Brent Gasper](#); [Daiquiri Carter](#); [Jim Jackson](#)
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d & Permanent Guardian of [REDACTED], a Minor v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641
Date: Wednesday, June 28, 2023 11:59:40 AM
Attachments: [Claimant's Response to Respondent's Motion to Strike 6-28-2023.pdf](#)

Please find attached the claimant's Response to Respondent's Motion to Strike for filing in the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

ARKANSAS STATE CLAIMS COMMISSION

**HALEY HUDSON, AS SPECIAL ADMINISTRATRIX
OF THE ESTATE OF JACQUELINE LYNN
ASHCRAFT, DECEASED, AND HALEY HUDSON AS
PERMANENT LEGAL GUARDIAN OF [REDACTED]
[REDACTED] a minor**

CLAIMANT

v.

CC No. 230641

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

**CLAIMANT'S RESPONSE TO RESPONDENT'S
MOTION TO STRIKE CLAIMANT'S MOTION FOR SUMMARY JUDGMENT OR,
ALTERNATIVELY, RESPONDENT'S MOTION FOR AN ENLARGED (SIC) OF
TIME TO RESPOND TO CLAIMANT'S MOTION FOR SUMMARY JUDGMENT**

Comes now Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Permanent Legal Guardian of [REDACTED] a minor, by and through her attorney, Jim Jackson, and for her Response to the Respondent's Motion to Strike Claimant's Motion for Summary Judgment or Alternatively, Respondent's Motion for an Enlarged (Sic) of Time to Respond to Claimant's Motion for Summary Judgment, states:

1. The Claimant does not oppose the Respondent's request for an enlarged period of time to respond to the Motion for Partial Summary Judgment. The Claimant opposes the Motion to Strike, as there is no such rule in the Arkansas Rules of Civil Procedure that permits a Motion for Summary Judgment to be "stricken."

2. This is a straight forward rear-end collision. The wreck occurred on June 22, 2021. The Respondent immediately began an investigation into what happened. DHS' internal investigation was completed within a week after the wreck. See Kristen Shelton's testimony and exhibits referenced at pgs. 18-22 in the Claimant's Brief in Support of the Motion for Partial Summary Judgment on the Issue of Liability filed on June 14, 2023.

3. The Claimant takes exception to several of the unsupported allegations made in the Respondent's Motion and would like to take this opportunity to set the record straight. The Respondent's initial argument supporting its Motion to Strike is based upon inadmissible testimony which is highly speculative. The Respondent is correct that the toxicology report of Ashcraft has not been used in this litigation. The Respondent fails to reveal that the toxicology reports showed *both* Ashcraft and Wilkerson tested positive for methamphetamine, amphetamine, and benzodiazepines. Attached hereto as Exhibit 1 is a copy of the Toxicology report for both drivers. However, these test results are "qualitative" samples which only indicates the presence of a drug. The leap of logic from a positive hit in a drug test to being legally "intoxicated" at the time of the wreck requires conjecture and speculation. There is no proof that either Ashcraft or Wilkerson was driving "intoxicated" at the time of the collision even though a positive hit was found in both urine samples.

4. The legal standard required to prove that a person was legally "intoxicated" is that a person's reaction, motor skills and judgment must be "substantially altered" as the result of ingesting a controlled substance. There is no testimony that any driver in this wreck was legally "intoxicated" or that their motor skills were "substantially altered" as defined by Ark. Code Ann. § 5-65-102(2).

"Intoxicated" means influenced or affected by the ingestion of alcohol, a controlled substance, any intoxicant, or any combination of alcohol, a controlled substance, or in intoxicant, to such a degree that the driver's reactions, motor skills, and judgment are *substantially altered* and the driver, therefore, constitutes a clear and substantial danger of physical injury or death to himself and other motorists or pedestrians.
(Emphasis added.)

5. There is no testimony that any driver was "weaving" or appeared impaired at the scene of the wreck. We have no way of knowing when any of the narcotics were ingested, nor the metabolism rate, by either Ashcraft or Wilkerson.

6. The Respondent is asking the Commission to use rank speculation to find that Ashcraft, and by inference Wilkerson, were legally “intoxicated” at the time of the collision. The qualitative toxicology report by itself does not prove if a driver was intoxicated or not. The Respondent’s introduction of Ashcraft’s positive urine sample without referencing its own driver’s practically identical positive urine sample is not fully forthcoming. The argument that the positive test means intoxication is fallacious.

7. Paramedic Holly Newman’s observation of Ashcraft is the key. She was the initial First Responder to interact with Ashcraft. A paramedic’s primary responsibility upon interacting with a patient is to perform an initial assessment. The initial assessment of a patient is the gold standard for a paramedic to determine how to treat a patient. Newman’s notes upon interacting with Ashcraft show a patient who was in full control of her faculties and does not show any evidence of a patient that was “impaired, intoxicated or whose judgment was substantially altered.” In fact, Ashcraft was coherent and able to make normal, rational responses to the questions from the initial assessment and a second assessment made right before the paramedic left to assess another patient. The paramedic’s notes state:

SQ 1 RESPONDED EMERGENT TO 3 VEHICLE ACCIDENT.

UOA¹ FOUND PT STANDING OUTSIDE OF HER CAR WITH HER 2 CHILDREN. PT IS A&OX² WITH DIAPHORETIC SKIN. TODAY’S TEMP IS APPROX 95 DEGREES AND HUMID OUTSIDE. PT STATED SHE DIDN’T WANT TO GO WITH EMS AND DIDN’T WANT HER DAUGHTERS TO GO AS WELL. PT IS ABLE TO ANSWER ALL QUESTIONS ACCORDINGLY AND CORRECTLY. PT THEN SIGNED THE REFUSAL FORM.

¹ Upon Arrival

² This is the standard assessment used by paramedics to determine if a patient can make sound medical decisions for themselves. 1) Does the person know their name? 2) Place – does the patient know where they are? 3) Time – Does the patient know the day/date? 4) Event – Is the patient aware of what is happening currently and the events leading up to the present?

WHILE MEDIC NEWMAN WAS WITH THE PT, THE PT BECAME WEAK AND STATED SHE WANTED TO GO ACROSS THE STREET INTO THEIR HOUSE AND COOL OFF. PT AND CHILDREN STATED SHE HAS BEEN THROWING UP X2 DAYS WHICH SUBSIDED TODAY BUT THAT THE PT HAS BEEN WEAK SINCE. PT IS APPROX 95 LBS. PT WAS ASSISTED INTO THE HOUSE AND PLACED ON THE COUCH. FAMILY WENT AND PLACED A TOWEL UNDER COOL WATER. MEDIC NEWMAN THEN PLACED TOWEL AROUND PT'S NECK. PT STILL A&OX4 AT THIS TIME AND ABLE TO ANSWER QUESTIONS. PT WAS LEFT IN THE CARE OF FAMILY WHILE MEDIC NEWMAN WENT AND CHECKED OUT THE DRIVER OF THE 3RD VEHICLE.

AT APPROX 13:30 MEDIC NEWMAN WAS ADVISED A MEDIC IS NEEDED IN THE HOUSE. AT THIS TIME PT IS NOW A&OX2. PT IS EASILY AROUSABLE WITH VERBAL AND PAINFUL STIMULI BUT HAS SLURRED SPEECH AND CONFUSION. 18G IV STARTED INSIDE THE HOUSE BY MEDIC NEWMAN AND CBG READ 95. SALINE LOCK AND PLACED. MEDIC NEWMAN REQUESTED ANOTHER UNIT FOR THIS PT VIA STATE POLICE.

8. Paramedic Newman did not note anything abnormal about Ashcraft when she initially assessed her shortly after the wreck. Newman specifically found Ashcraft "is able to answer all questions *accordingly and correctly.*" (Emphasis added.) Nor did she note anything unusual after Ashcraft walked across the highway and went into the home to cool off. Ashcraft was alert and orientated during the time the paramedic was initially with her. Ashcraft's brain bleed did not cause symptoms of slurred speech until approximately thirty (30) minutes after the wreck occurred.

9. The Respondent's attack on Trooper Ray is more troubling. Obviously, Trooper Ray made a typographical error when entering the GPS coordinate as "Latitude 35.294605°N and Longitude 93.662085° W." A typographical error does not alleviate the fact that Wilkerson rear-ended Ashcraft's car at a high rate of speed. The Claimant did not cite the GPS coordinates in the Motion for Partial Summary Judgment. Instead, the street address for the destination of Jacqueline Ashcraft was used. This address is for a home owned by Jennifer Capd [REDACTED]

10. Most disingenuous of all is the Respondent's bold proclamation to this Commission in paragraph 25 of its Motion to Strike:

"[D]irect evidence in the form of photographs that *no one has yet seen* arrived at Respondent's offices on the same day that Respondent's counsel was responding to Claimant's unfounded assertion that liability was already decided and a foregone conclusion." (Emphasis added.)

11. This is not correct. These "new" photos are the same photos attached as Exhibit 28 to Trooper Ray's deposition taken on February 21, 2023. Trooper Ray testified about these photos during his deposition! The same photos are attached as Exhibit 1 to the Claimant's Motion for Partial Summary Judgment and are Bates stamped "Claimant's Exhibits MSJ 003 – 10." Attached hereto as Exhibit 2 is the Index of Exhibits for Trooper Ray's deposition.

12. The Respondent's allegation regarding Trooper Ray's "skid marks" reference in his diagram is just as troubling. There are numerous skid marks and tire marks in a fatal collision. Trooper Ray's diagram #3 states "C=Skid marks begin 100.10 ft WEST OF RP." Nowhere in Trooper Ray's accident report or his deposition does he state that the skid marks referenced in his diagram were the "only" skid marks on the roadway. Exhibits 1-28 to Trooper Ray's deposition contain numerous photographs with various skid marks. During Trooper Ray's deposition, the Respondent's counsel examined Trooper Ray about his measurements and findings. Counsel had every opportunity to also examine Trooper Ray about each skid mark in each photograph and its meaning.

13. The Respondent attempts to assert that Trooper Ray did something wrong by not bringing the "Fatal Crash Preliminary Reporting Form" to his deposition. This is misleading because Trooper Ray was not asked to bring anything to his deposition other than the photographs which were attached as Exhibit 28 to his deposition. Attached hereto as

Exhibit 3 is a copy of the Notice of Deposition for Trooper Ray's deposition taken on February 21, 2023.

14. Furthermore, the Fatal Crash Preliminary Reporting Form is a public record found on the Arkansas Department of Public Safety's web page. Anyone with internet access can obtain a copy. It is simply an abbreviated summary of a fatal crash that the Arkansas State Police uploads onto its website. Attached hereto as Exhibit 4 is the form. There is no information in this form that is not contained in Trooper Ray's full accident report.

15. The Respondent claims that there is evidence that Ashcraft was negligent. The facts show that Ashcraft was traveling east approaching a residential driveway and began slowing to make a left-hand turn. At the same time, an oversized load with an escort/pilot car was approaching from the west. Ashcraft moved her vehicle to the right side of her traffic lane to allow both the escort/pilot car and oversized load to pass before attempting a left-hand turn. The Respondent's contention that Ashcraft violated one of the rules of the road contained in Exhibit F to the Respondent's Motion to Strike is without merit. The Respondent relies on Ark. Code Ann. § 27-51-1302 to prove negligence. "No person shall stop, stand, or park a vehicle, *except when necessary to avoid conflict with the other traffic* or in compliance with the directions of a police officer or a traffic control device. . . ." (Emphasis added.) Ashcraft did everything possible to avoid a collision by operating her vehicle in a safe and responsible manner. She was paying attention to the oncoming oversized load and took the appropriate action to slow down and allow it to pass before making a left-hand turn into the private driveway. There was nothing to prevent Wilkerson from seeing Ashcraft's blue car slowing to make a left-hand turn. Wilkerson had a duty to pay attention to the traffic in front of her and avoid rear-ending Ashcraft's car.

16. The Claimant retained Stanley Cain, a licensed accident reconstructionist, to go to the scene of the accident, make observations, and take photographs.

17. Attached hereto as Exhibit 5 is Stanley Cain's Affidavit and Investigation Report.³ This report and its attachments will be used to supplement the Claimant's Motion for Partial Summary Judgment on the Issue of Liability. Stanley Cain is available to be deposed during the first three weeks of July.

CONCLUSION

WHEREFORE, the Claimant requests that the Respondent's Motion to Strike be denied. The Claimant does not oppose the Motion for Enlargement of Time. The Claimant requests that the time not be contingent on the date of the ruling on the issues being heard on August 11. Rather, the Claimant suggests that the Respondent take the deposition of Stanley Cain during the first three weeks of July and have 20 days after the deposition transcript is returned by the court reporter in which to file a response to the Claimant's Motion for Partial Summary Judgment on the Issue of Liability.

Respectfully Submitted,

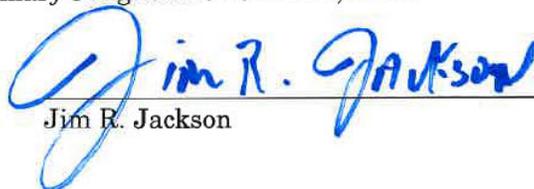


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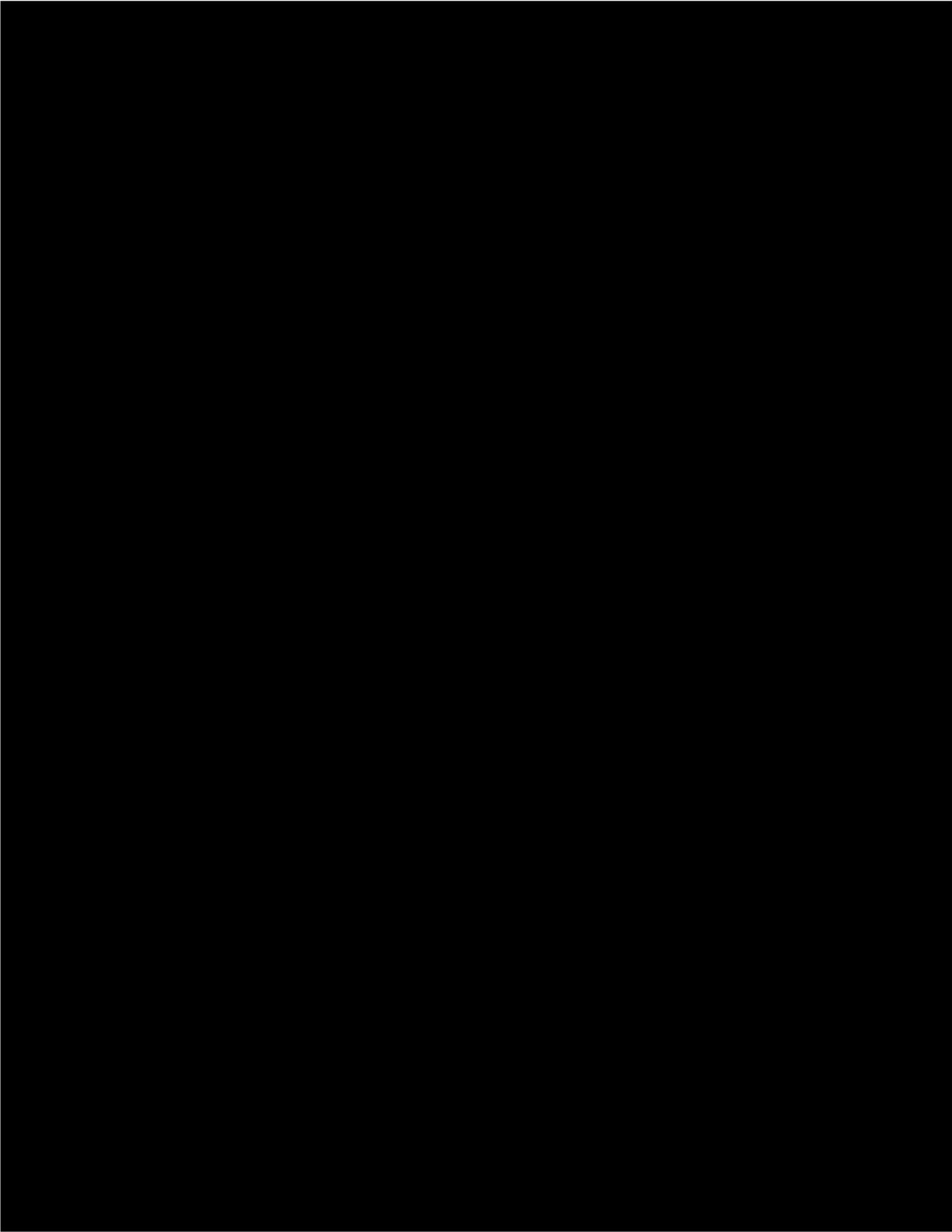
³ The exhibits referenced in the Investigation Report will be attached and included in the supplement to the Claimant's Motion for Partial Summary Judgment.

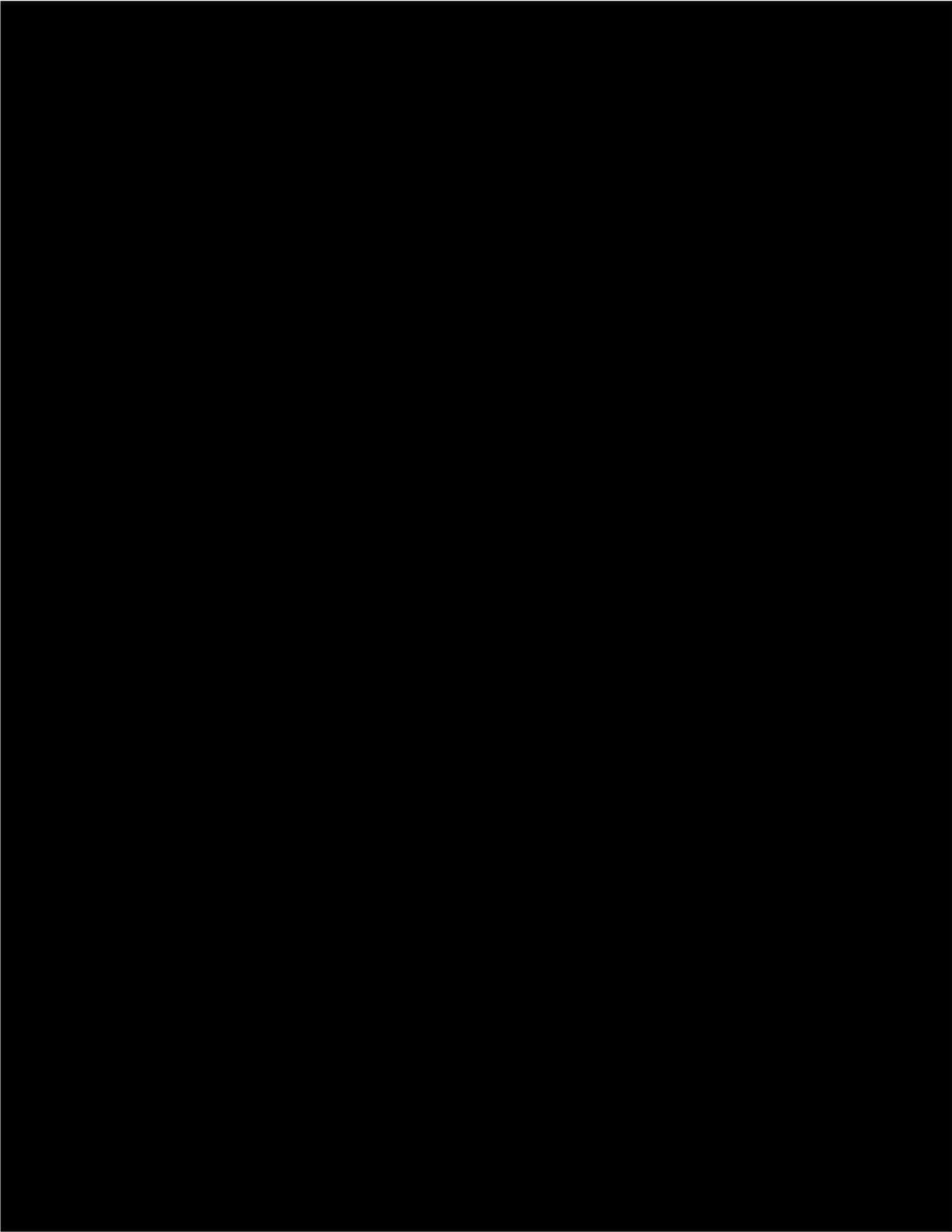
CERTIFICATE OF SERVICE

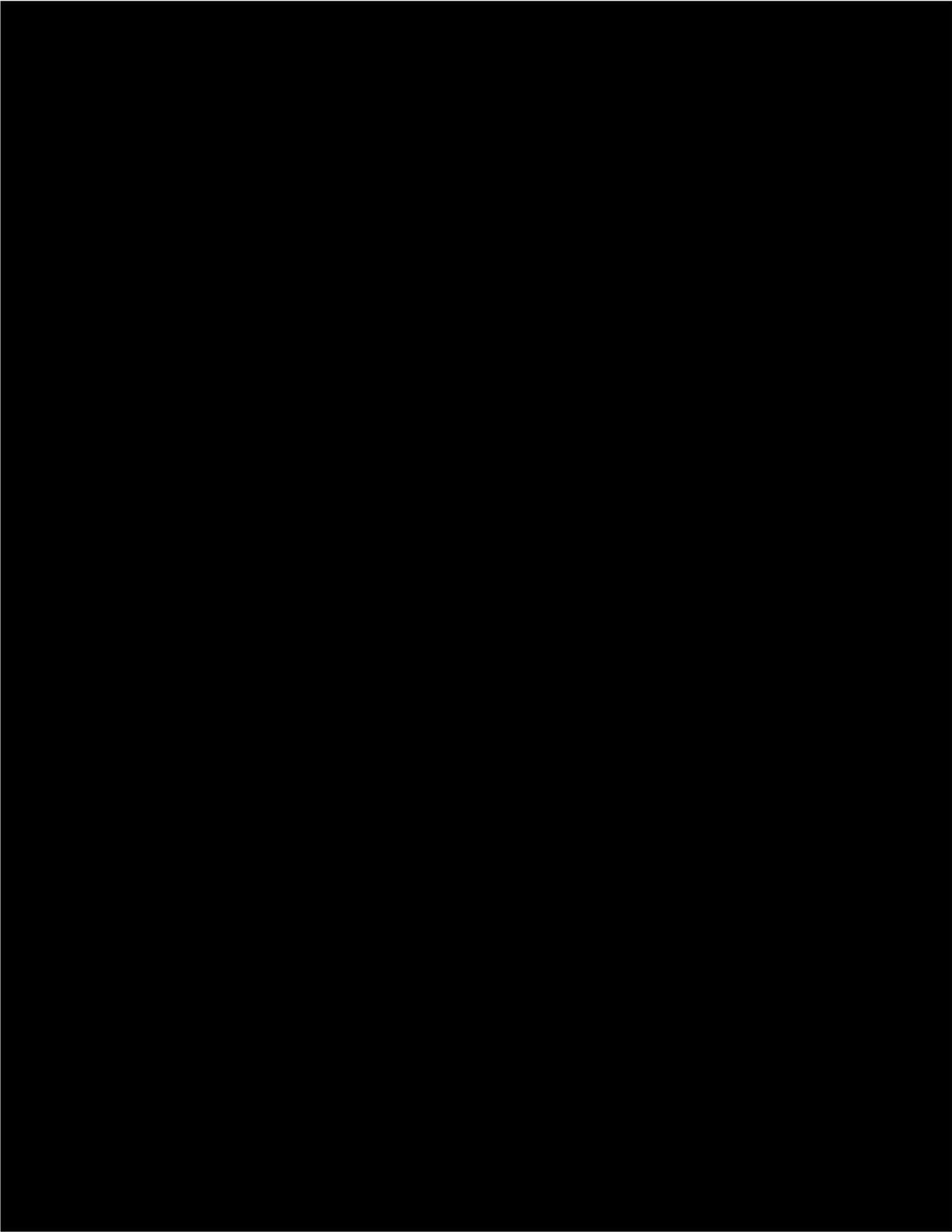
I, Jim R. Jackson, hereby certify that I have electronically filed this pleading with the Clerk of the Arkansas Claims Commission and served the Respondent's attorney, Brent P. Gasper, via email, with the Claimant's Response to Motion to Strike Claimant's Motion for Summary Judgment or Alternatively, Respondent's Motion for an Enlarged (Sic) of Time to Respond to Claimants' Motion for Summary Judgment on June 28, 2023.

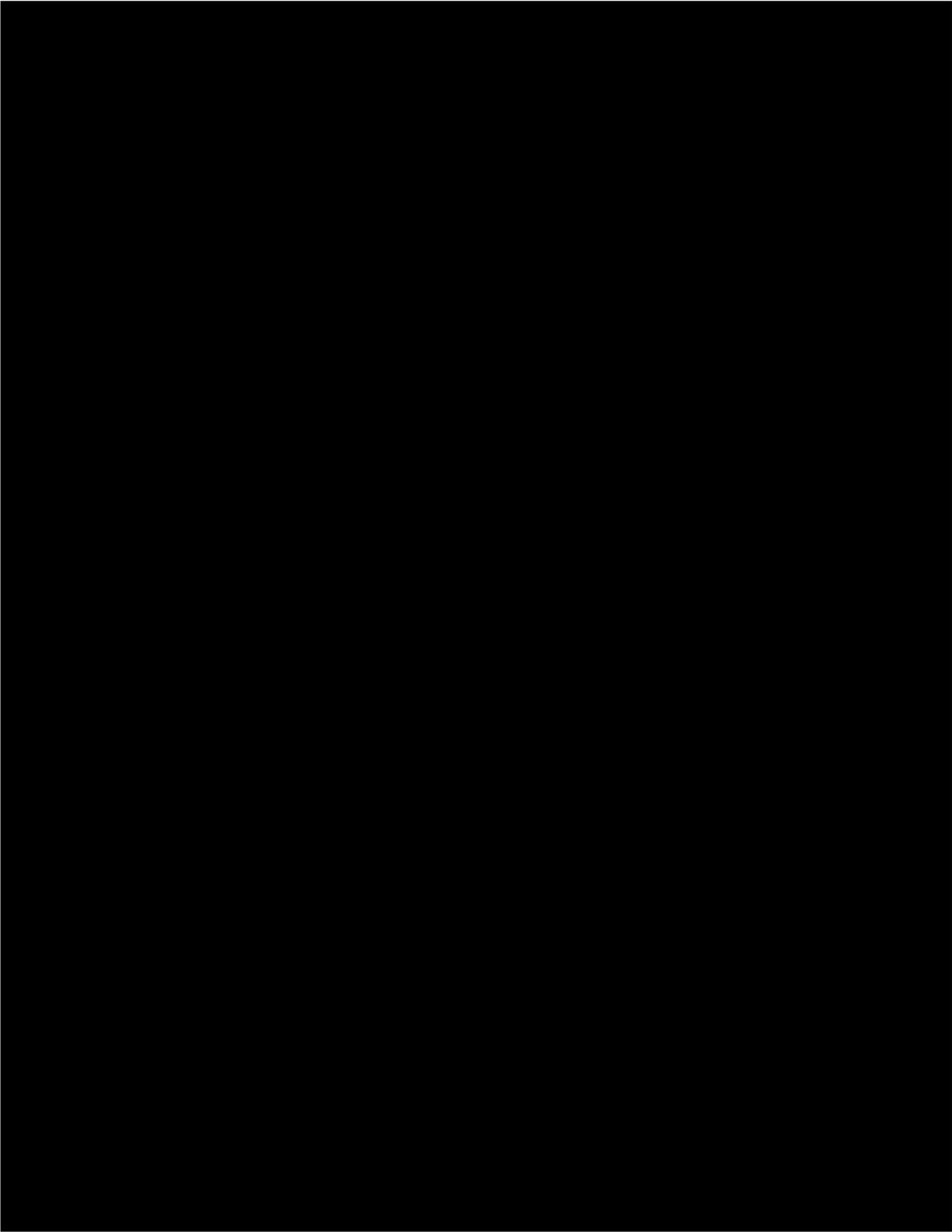


Jim R. Jackson









ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL CLAIMANT
ADMINISTRATRIX OF THE ESTATE OF
JACQUELINE LYNN ASHCRAFT, DECEASED,
AND HALEY HUDSON AS PERMANENT LEGAL
GUARDIAN OF [REDACTED] AND
[REDACTED] MINOR CHILDREN

VS. CC NO. 230641

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES RESPONDENT

VIDEOTAPED DEPOSITION

OF

JAMES RAY

Taken February 21st, 2023, at 1:03 P.M.



APPEARANCES

ON BEHALF OF THE CLAIMANT:

JIM R. JACKSON, ESQUIRE
JACKSON LAW FIRM
700 WEST BROADWAY STREET, SUITE 200
NORTH LITTLE ROCK, ARKANSAS 72114-5528
(501) 823-3610
jim@jimjacksonatty.com

ON BEHALF OF THE RESPONDENT:

BRENT GASPER, ESQUIRE
ASSISTANT DEPUTY CHIEF COUNSEL
ARKANSAS DEPARTMENT OF HUMAN SERVICES
P.O. Box 1437
LITTLE ROCK, ARKANSAS 72203
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VIA TELEPHONE:

SARAH DEBUSK, ESQUIRE
ARKANSAS DEPARTMENT OF HUMAN SERVICES
P.O. BOX 1437
LITTLE ROCK, ARKANSAS 72203
(501) 320-8950
sarah.debusk@dhs.arkansas.gov

ALSO PRESENT:

RICHARD HAYDEN, VIDEOGRAPHER

INDEX

STYLE AND NUMBER.....	1
APPEARANCES.....	2
CAPTION.....	5
WITNESS: JAMES RAY	
Examination by Mr. Jackson.....	7
Introduction of Deposition Exhibits 1-6...	15
Introduction of Deposition Exhibits 7-13...	17
Introduction of Deposition Exh. 14 & 15...	20
Introduction of Deposition Exhibit 16.....	22
Introduction of Deposition Exhibit 17.....	23
Introduction of Deposition Exhibit 18.....	25
Introduction of Deposition Exhibit 19.....	26
Introduction of Deposition Exhibit 20.....	28
Introduction of Deposition Exh. 21-27.....	57
Introduction of Deposition Exhibit 28.....	58
Examination by Mr. Gasper.....	31
Deposition Concluded.....	60
COURT REPORTER'S CERTIFICATE.....	62

EXHIBITS

- | | |
|-----------------|--------------------------|
| 1. Photograph. | 15. Photograph. |
| 2. Photograph. | 16. Wilson Statement. |
| 3. Photograph. | 17. Wilkerson Statement. |
| 4. Photograph. | 18. Diagram Pg. 16 of 18 |
| 5. Photograph. | 18. Diagram Pg. 17 of 18 |
| 6. Photograph. | 19. Diagram Pg. 18 of 18 |
| 7. Photograph. | 20. Paramedic report. |
| 8. Photograph. | 21. Photograph. |
| 9. Photograph. | 22. Photograph. |
| 10. Photograph. | 23. Photograph. |
| 11. Photograph. | 24. Photograph. |
| 12. Photograph. | 25. Photograph. |
| 13. Photograph. | 26. Photograph. |
| 14. Photograph. | 27. Photograph. |
| | 28. Thumb Drive |

(Court Reporter Note: Physical Copy of
thumb drive Exhibit No. 28 mailed to each
attorney.)

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL
ADMINISTRATRIX OF THE ESTATE OF
JACQUELINE LYNN ASHCRAFT, DECEASED,
AND HALEY HUDSON AS PERMANENT LEGAL
GUARDIAN OF [REDACTED] AND
[REDACTED] MINOR CHILDREN

CLAIMANT

VS.

CC NO. 230641

ARKANSAS DEPARTMENT OF
HEALTH AND HUMAN SERVICES

RESPONDENT

NOTICE OF DEPOSITION

TO: Arkansas Department of Health and
Human Services
c/o Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

NOTICE is hereby given that the plaintiff will take the deposition of Trooper James Ray on Tuesday February 21, 2023, beginning at 1:00 p.m. at the Arkansas Game & Fish Commission's Regional Office, 8401 Massard Road, Fort Smith, Arkansas 72916, for all purposes, upon oral examination, before a Certified Court Reporter, duly authorized to administer oath, and recorded by stenographic means. The deposition will continue until completed.



Respectfully submitted,

BY: /s/ Jim R. Jackson

Jim R. Jackson, AR Bar #93-209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
(501) 823-3610 phone
(501) 823-3611 facsimile
Jim@JimJacksonatty.com

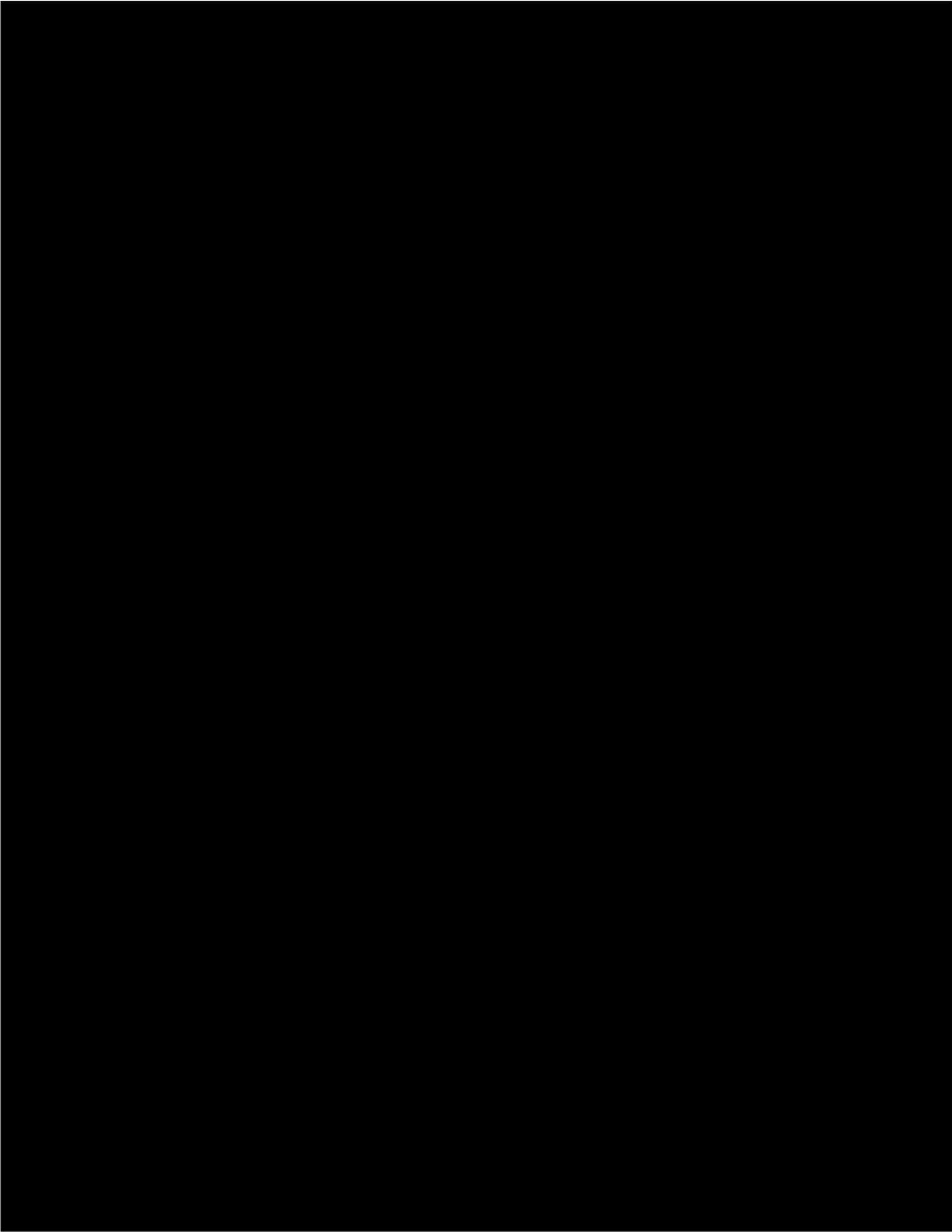
CERTIFICATE OF SERVICE

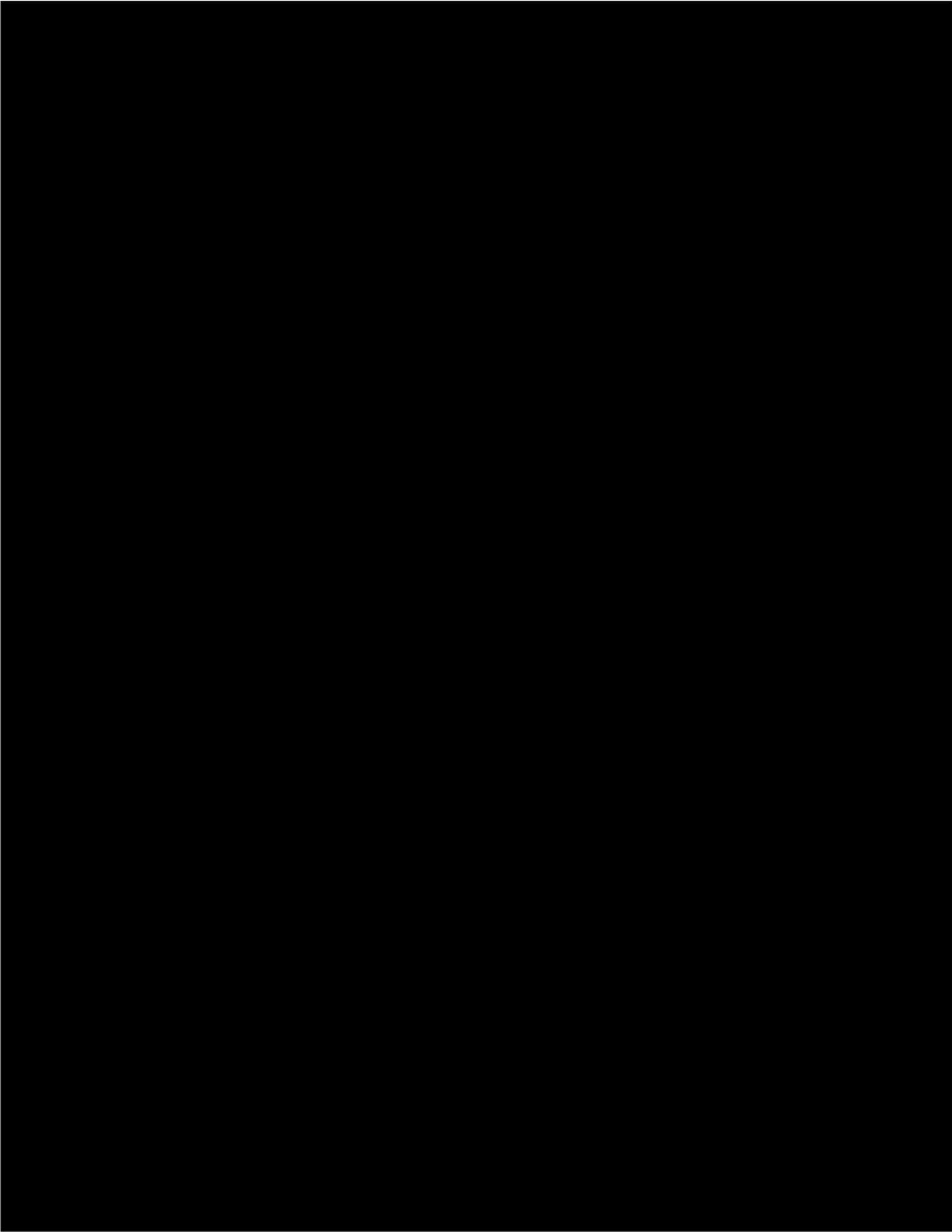
I hereby certify that a true and correct copy of the above and foregoing Notice of Deposition was served on the following counsel of record by either U.S. Mail, postage prepaid, or by electronic service to:

Mr. Brent Gasper
Ms. Sarah DeBusk
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

/s/ Jim R. Jackson

Jim R. Jackson





IN THE CIRCUIT COURT OF LOGAN COUNTY, ARKANSAS

**HALEY HUDSON, SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JACQUELINE LYNN ASHCRAFT,
DECEASED, AND HALEY HUDSON AS PERMANENT
LEGAL GUARDIAN OF [REDACTED] A
MINOR CHILD**

CLAIMANT

VS.

CC NO. 230641

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

AFFIDAVIT OF STANLEY B. CAIN

Comes now Stanley Cain, and for his Affidavit, states:

1. My name is Stanley Cain. I am over the age of 18 and am mentally competent to make this affidavit.
2. I am a member of the Accreditation Commission for Traffic Accident Reconstruction "ACTAR" with license number [REDACTED] I passed ACTAR's independent credentialing examination that objectively assesses a candidate's comprehension and application of the minimum training standards of a forensic specialist in motor vehicle accident reconstruction.
3. I was employed by the Rogers Police Department from July 1995 through December 2020. I retired with the rank of Corporal which included 16 years total in the traffic unit for the Rogers Police Department. I served a total of 25 years and six months for the Rogers Police Department. I earned a Bachelor in of Science in Soil Science & Agronomy from the University of Arkansas in 1990.
4. I was retained by attorney Jim Jackson to perform an investigation of the crash that is the subject of this litigation.



5. Attached is my Investigation Report which contains my notes from the scene inspection where I went to the accident site and took photographs, made measurements and observations.

6. The findings from my analysis and calculations are that Jennifer Wilkerson was extremely negligent when she collided into the rear of Ms. Ashcraft's vehicle. Furthermore, Jacqueline Ashcraft's vehicle was positioned within the bounds of the eastbound lane of traffic on Highway 22 at all times relevant to this collision.

7. My findings are consistent with the findings of Trooper James Ray who prepared the accident report and provided deposition testimony on February 21, 2023.

8. My findings are consistent with the initial statements obtained by Arkansas Department of Human Services' employees and witnesses. These statements are attached to Kristen Shelton's deposition.

9. Attached as Exhibit 1 is my Investigation Report which contains the basis of my opinion and the supporting documentation which are:

- i. Ten pages of calculations using AR PRO computer program;
- ii. 35 scene photographs; and,
- iii. Diagram of the accident site prepared by Stanley Cain.

10. Attached as Exhibit 2 are four aerial photographs taken by a drone that I will utilize to assist my testimony in describing the accident scene at deposition and trial.


Stanley Cain, ACTAR #1686

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF PULASKI)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 26th day of June, 2023.

Martha Cox
NOTARY PUBLIC

My Commission Expires:

8-19-2031

SEAL

MARTHA COX
NOTARY PUBLIC - STATE OF ARKANSAS
SALINE COUNTY
My Commission Expires 8-19-2031
Commission # 12383466

Stanley B. Cain Accident Reconstructionist, LLC

P.O. Box 836, Waldron, AR 72958

Phone: 479-426-1957

Email: stanley.cain26@yahoo.com

INVESTIGATION REPORT

PREPARED FOR: Mr. Jim Jackson, with Jackson Law Firm.

REFERENCE: Jacqueline Ashcraft collision on 6/11/21.

On 5/16/23, Mr. Jim Jackson, with Jackson Law Firm, contacted me and requested my services to investigate a motor vehicle collision involving his client, the estate of Ms. Jacqueline Ashcraft.

ITEMS RECEIVED

1. Arkansas Motor Vehicle Collision Report from the Arkansas State Police (Report # [REDACTED])
2. Crash scene photographs taken by Arkansas State Police.
3. Scene photographs taken by Mr. Jim Jackson.
4. Correspondence emails from the Arkansas Department of Human Services, regarding their internal investigation of the collision.
5. Trooper James Ray's deposition & exhibits.
6. Kristen Shelton's deposition & exhibits.
7. Aerial photographs of accident site.

BACKGROUND INFORMATION

Date and time of collision: Approximately 12:50 PM on 6/11/2021.

Location: Arkansas State Highway 22, Paris, Arkansas.

Vehicle 1: 2005 Hyundai Sonata, driven by Ms. Jacqueline Ashcraft.

Vehicle 2: 2009 Hyundai Elantra, driven by Ms. Jenifer Wilkerson.

Vehicle 3: 2001 Peterbilt truck-tractor and modular trailer, driven by Mr. Bobby Wilson.

SCENE INSPECTION

On 5/20/23, I went to the scene for observations, photographs, and measurements. Highway 22 is a two-lane State Highway consisting of one westbound lane and one eastbound lane, separated by a double yellow line, and bordered by white fog lines. The highway is bordered on both sides by improved shoulders. Each lane is approximately 11 feet wide. The eastbound shoulder is approximately 7.6 feet wide, and the westbound shoulder is approximately 7.3 feet wide. I did not observe any line-of-sight issues present that would hinder the view of traffic in either lane.

During the scene inspection, I located the final resting area of vehicle 1. The distances from the RP to A to D, from the vehicle collision report, ended at the shadow of a tire mark which I recognized as the remnants of the skid mark shown in the scene photographs for vehicle 1. I was able to locate the remaining end of the skid mark on the eastbound fog line.

With the measurements provided by the vehicle collision report, I located the beginning of the skid marks from vehicle 2. From the scene photographs I was able to place the beginning point of the skid marks in relation to the eastbound lane and shoulder. From the rumble stripes on the shoulder, I was able to locate the approximate beginning location of a passenger side skid mark, and the area where that skid mark crossed the fog line. With the approximate track width of vehicle 2, I was able to place the approximate location of the driver side skid mark.

The scene photographs also showed a third skid mark, which I identified as being produced by the left rear wheel of vehicle 2. That skid mark followed along the fog line and veered to the left with the other two skid marks. By counting the number of rumble stripes next to that skid mark, I was able to locate the approximate beginning point of that skid mark also.

I was not able to locate the ending location of the three skid marks. I placed the approximate ending location of the three skid marks, based upon their ending location in the scene photographs.

Further east I located numerous grooves and gouges in the westbound lane. I located an additional gouge in the eastbound lane, along with grooves leading to the final resting location of vehicle 2.

West of the area of impact, I located the beginning of a dual wheel skid mark on the westbound fog line, at approximately 274 feet west of the reference point. The skid mark continued onto the shoulder and ended as a single wheel skid mark, at approximately 452 feet west of the reference point.

For more information, refer to the scene diagram.

VEHICLE INSPECTIONS

None of the three vehicles were still available for inspections. To complete the investigation, I reviewed the scene photographs provided by Arkansas State Police.

I observed the damage to vehicle 1, and I noticed that the vehicle had primary contact damage to the passenger side half of the rear end. The driver side of the rear bumper contained induced damage. I observed that the crush damage retarded the rotation of the right rear wheel to the point that the wheel produced a post-impact skid mark. I observed that the back panel of the driver seat was leaning back into the rear passenger area. I did not locate any damage to the vehicle that would indicate that vehicle 1 collided with vehicle 3.

I observed the damage to vehicle 2, and I noticed that the vehicle had primary crush damage to the front end of the vehicle, with the most extensive crush to the left front section. I observed that vehicle 2, had induced damage to the driver door frame and the rear passenger door on the driver's side. Furthermore, I observed underride damage to the right front panel, which is consistent with vehicle 2 colliding with the underside of the modular home being towed by vehicle 3.

I observed that vehicle 3 and contact damage to the driver side tractor tandems, and secondary contact damage to the driver side front corner of the modular home and trailer frame. The damage at that corner is consistent with vehicle 2 under riding the trailer with the front end. The under-riding contact by vehicle 2 is consistent with vehicle 2 creating the gouges and grooves seen in the westbound lane, at maximum engagement.

ANALYSIS AND CALCULATIONS

To conduct the impact speed calculations for vehicle 2, I had to first calculate the post-impact speed for both vehicle 1 and vehicle 2. From the scene diagram I measured that vehicle 1 traveled approximately 188.5 feet. From the observations of the scene photographs provided by Arkansas State Police, I noticed that the damage to vehicle 1 had retarded the right rear wheel to the point that it was producing a skid mark. Although I located only a portion of the skid mark from vehicle 1 during the scene inspection, the braking capability of that wheel would have commenced at the point of maximum engagement between the two vehicles.

To determine the post-impact speed, I had to calculate the adjusted deceleration factor for vehicle 1. To calculate the total deceleration factor for the vehicle I used a rolling resistance value of 0.01 for the left rear wheel (non-drive axle) and 0.10 for the left front wheel and the right front wheel (drive axle)¹. For the right rear wheel (damage induced braking) I used an accepted coefficient of friction of 0.60 to 0.80 for a dry asphalt roadway surface that has been subjected to traveled use². I calculated the post-impact speed for vehicle 1 at approximately 33.63 MPH, using an average coefficient of friction of 0.70.

Next, I calculated the post-impact speed for vehicle 2. From the scene photographs I observed post-impact skid marks leading from the area of impact. The beginning of the driver side skid mark had a darkened area that was darker than the remaining portion of the skid mark. I recognized this as an indicator of the area of impact because wheels that are braking tend to produce very darkened skid marks upon maximum engagement with another vehicle. Furthermore, the scene photographs show three skid marks from vehicle 2, which indicates that it was off tracking from lateral instability. This movement is another indicator that vehicle 2 is moving away post-impact. The above-described characteristics of the skid marks conclude that there were very little to no pre-impact skid marks from vehicle 2 and therefore little to no pre-impact braking by vehicle 2.

From the scene diagram, I measured that vehicle 2 traveled approximately 53.2 feet post impact to the area where the vehicle collided with vehicle 3. I calculated the post-impact speed for vehicle 2 at approximately 33.44 MPH, using an average coefficient of friction of 0.70.

To further analyze the potential variability in the impact speed of vehicle 2, I calculated post-impact speeds for both vehicles using a roadway coefficient of friction of 0.60. In addition, the scene photographs depicted only three post-impact skid marks for vehicle 2. Therefore, I adjusted the deceleration factor for vehicle 2.

Furthermore, I provided a range of impact speeds for vehicle 2 based upon the potential range of pre-impact speed for vehicle 1. I did not locate any evidence during my scene inspection to indicate the pre-impact speed of vehicle 1. However, the statements by both Ms. Wilkerson and Mr. Wilson indicate that vehicle 1 was stationary when the impact occurred.

I calculated the impact speeds with AR PRO 15 Accident Reconstruction Software. The summary of the impact speeds is listed below:

¹ D. Parkka, Equation Directory for the Reconstructionist, First Edition.

² R. W. Rivers, On-Scene Traffic Accident Investigators Manual (Charles C. Thomas Publisher, 1981) 136.

IMPACT SPEED FOR WILKERSON (MPH)			
Coeff. of Friction	Ashcraft (Stationary)	Ashcraft (10 MPH)	Ashcraft (20 MPH)
0.70	74.3	62.1	50.0
0.57	71.0	58.9	46.7
0.60	69.7	57.6	45.4
0.49	66.7	54.6	42.4

For more information refer to the AR PRO Calculation Reports. NOTE: When referencing the AR PRO Calculation Reports, please be aware that vehicle 1 is WILKERSON and vehicle 2 is ASHCRAFT, in order to match the variables in the collinear momentum formula.

Based upon a review of the post-impact speeds I have concluded that the post-impact speed of vehicle 2 would be closer to the speeds calculated without a reduction in the braking efficiency. My conclusion is based upon my finding that the range of post-impact speeds for vehicle 1 (33.63 MPH to 31.90 MPH) is more consistent with the range of post-impact speeds for vehicle 2 (33.44 MPH to 30.96MPH).

The calculations clearly show that the post-impact speed of vehicle 1 was increased from the initial speed, which was result of the greater amount of momentum being brought into the collision by vehicle 2. Also, generally in momentum analysis the target vehicle (vehicle 1) can only depart from the collision at a speed equal to or less than the post-impact speed of the bullet vehicle. However, in this collision, the post-impact speed for vehicle 1 is slightly more than the value for vehicle 2. The investigation states that vehicle 2 also collided with vehicle 3, after colliding with vehicle 1. It is not known for certain, but vehicle 2 still may have been traveling eastbound when it collided with vehicle 3, and that collision prevented vehicle 2 from the opportunity to travel on its own to a complete stop. If vehicle 2 had been able to travel a further distance, then it would have generated a greater post-impact speed.

The damage profile to the rear of vehicle 1 clearly indicates that the impact by vehicle 2 was an off-set collision and not a complete in-line impact. The beginning of the skid marks from vehicle 2, along with the impact configuration, conclude that vehicle 1 was positioned within the bounds of the eastbound lane. Vehicle 1 was positioned towards the south half of the eastbound lane, likely because vehicle 3 was approaching and towing an oversized load. The delivery receipt shown within the scene photographs indicate that the oversized load behind vehicle 3 was a 14-foot by 56-foot modular home section.

During the scene inspection I observed that the eastbound lane was bordered by an improved paved shoulder, and the shoulder measured approximately 7.6 feet wide. The vehicle specifications for vehicle 2 list that it is approximately 5.9 feet wide for overall width. The shoulder would have provided Ms. Wilkerson with adequate room to maneuver her vehicle around vehicle 1 and avoid the collision altogether or greatly reduce the severity of the collision. The placement of the vehicles at impact indicates that vehicle 2 was veering to the right and possibly attempting to avoid the impact.

RESULTS AND CONCLUSIONS

The investigation has clearly concluded that Ms. Wilkerson was extremely negligent when she collided into the rear of Ms. Ashcraft. Furthermore, my investigation has concluded that Ms. Wilkerson was exceeding the posted speed limit for the highway.

There were no line-of-sight issues present at the scene and there were no adverse weather conditions present when the collision occurred. If Ms. Wilkerson had been keeping a proper lookout for traffic or hazards ahead, she could have easily observed that Ms. Ashcraft was slowing or stopped, and she could have avoided or greatly reduced the severity of the collision.

I did not discover any contributing actions to the collisions by Mr. Bobby Wilson.

I reserve the right to revise or supplement this report, based upon the discovery of new information or data, including the testimony or statements of parties and/or witnesses.

By: *Stanley B. Cain*

ACTAR #1686

Stanley B. Cain Accident
Reconstructionist, LLC

COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_{lf} \times n_{lf} \times \sin\theta) + (\mu_{rf} \times n_{rf} \times \sin\theta) + (\mu_{lr} \times n_{lr} \times \sin\theta) + (\mu_{rr} \times n_{rr} \times \sin\theta)$$

$$f = (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.0100 \times 0.1950 \times \sin(90.0000)) + (0.6000 \times 0.1950 \times \sin(90.0000))$$

$$f = (0.1000 \times 0.3050 \times 1.0000) + (0.1000 \times 0.3050 \times 1.0000) + (0.0100 \times 0.1950 \times 1.0000) + (0.6000 \times 0.1950 \times 1.0000)$$

$$f = 0.0305 + 0.0305 + 0.0019 + 0.1170$$

$$f = 0.1799$$

f = The Adjusted Accel/Drag Factor

μ = The Tire - Surface Friction by wheel

n = The Percentage of Braking

θ = The angular difference between the veh heading and CoFM direction

lf, rf, lr, rr = The tire at each corner of the vehicle (left front, etc.)

m = The Grade Percentage

Formula Inputs:

The Left Front Tire μ is: 0.1000
 The Left Front Tire % of Braking is: 0.3050
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.1000
 The Right Front Tire % of Braking is: 0.3050
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.0100
 The Left Rear Tire % of Braking is: 0.1950
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.6000
 The Right Rear Tire % of Braking is: 0.1950
 The Right Rear Tire Angular Difference is: 90.0000

Formula Results:

The Acceleration/Drag Factor is: 0.1799

Calculation Notes:

Deceleration factor for vehicle 2 (ASHCRAFT), with a drive axle rolling resistance of 0.10.
 Roadway coefficient of friction: 0.60.

Stanley B. Cain Accident
Reconstructionist, LLC

COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_l f \times n_l f \times \sin \theta) + (\mu_r f \times n_r f \times \sin \theta) + (\mu_l r \times n_l r \times \sin \theta) + (\mu_r r \times n_r r \times \sin \theta)$$

$$f = (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.0100 \times 0.1950 \times \sin(90.0000)) + (0.7000 \times 0.1950 \times \sin(90.0000))$$

$$f = (0.1000 \times 0.3050 \times 1.0000) + (0.1000 \times 0.3050 \times 1.0000) + (0.0100 \times 0.1950 \times 1.0000) + (0.7000 \times 0.1950 \times 1.0000)$$

$$f = 0.0305 + 0.0305 + 0.0019 + 0.1365$$

$$f = 0.1994$$

f = The Adjusted Accel/ Drag Factor

μ = The Tire - Surface Friction by wheel

n = The Percentage of Braking

θ = The angular difference between the veh heading and CoM direction

l, r, lr, rr = The tire at each corner of the vehicle (left front, etc.)

m = The Grade Percentage

Formula Inputs:

The Left Front Tire μ is: 0.1000
 The Left Front Tire % of Braking is: 0.3050
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.1000
 The Right Front Tire % of Braking is: 0.3050
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.0100
 The Left Rear Tire % of Braking is: 0.1950
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.7000
 The Right Rear Tire % of Braking is: 0.1950
 The Right Rear Tire Angular Difference is: 90.0000

Formula Results:

The Acceleration/ Drag Factor is: 0.1994

Calculation Notes:

Deceleration factor for vehicle 2 (ASHCRAFT), with a drive axle rolling resistance of 0.10.
 Roadway coefficient of friction: 0.70.

Stanley B. Cain Accident
Reconstructionist, LLC

COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_{lf} \times n_{lf} \times \sin\theta) + (\mu_{rf} \times n_{rf} \times \sin\theta) + (\mu_{lr} \times n_{lr} \times \sin\theta) + (\mu_{rr} \times n_{rr} \times \sin\theta)$$

$$f = (0.6000 \times 0.3150 \times \sin(90.0000)) + (0.6000 \times 0.3150 \times \sin(90.0000)) + (0.6000 \times 0.1850 \times \sin(90.0000)) + (0.0100 \times 0.1850 \times \sin(90.0000))$$

$$f = (0.6000 \times 0.3150 \times 1.0000) + (0.6000 \times 0.3150 \times 1.0000) + (0.6000 \times 0.1850 \times 1.0000) + (0.0100 \times 0.1850 \times 1.0000)$$

$$f = 0.1890 + 0.1890 + 0.1110 + 0.0018$$

$$f = 0.4908$$

f = The Adjusted Accel/Drag Factor.

μ = The Tire - Surface Friction by wheel

n = The Percentage of Braking

θ = The angular difference between the veh heading and CoM direction.

(l_f, r_f, l_r, r_r = The tire at each corner of the vehicle (left front, etc.)

m = The Grade Percentage

Formula Inputs:

The Left Front Tire μ is: 0.6000
 The Left Front Tire % of Braking is: 0.3150
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.6000
 The Right Front Tire % of Braking is: 0.3150
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.6000
 The Left Rear Tire % of Braking is: 0.1850
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.0100
 The Right Rear Tire % of Braking is: 0.1850
 The Right Rear Tire Angular Difference is: 90.0000

Formula Results:

The Acceleration/Drag Factor is: 0.4908

Calculation Notes:

Deceleration factor for vehicle 1 (WILKERSON) with reduced braking efficiency.
 Roadway coefficient of friction: 0.60.

Stanley B. Cain Accident
Reconstructionist, LLC

COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_{lf} \times n_{lf} \times \sin\theta) + (\mu_{rf} \times n_{rf} \times \sin\theta) + (\mu_{lr} \times n_{lr} \times \sin\theta) + (\mu_{rr} \times n_{rr} \times \sin\theta)$$

$$f = (0.7000 \times 0.3150 \times \sin(90.0000)) + (0.7000 \times 0.3150 \times \sin(90.0000)) + (0.7000 \times 0.1850 \times \sin(90.0000)) + (0.0100 \times 0.1850 \times \sin(90.0000))$$

$$f = (0.7000 \times 0.3150 \times 1.0000) + (0.7000 \times 0.3150 \times 1.0000) + (0.7000 \times 0.1850 \times 1.0000) + (0.0100 \times 0.1850 \times 1.0000)$$

$$f = 0.2205 + 0.2205 + 0.1295 + 0.0018$$

$$f = 0.5723$$

f = The Adjusted Accel/Drag Factor

μ = The Tire - Surface Friction by wheel

n = The Percentage of Braking

θ = The angular difference between the veh heading and CoFM direction

(f, rf, lr, rr = The tire at each corner of the vehicle (left front, etc.))

m = The Grade Percentage

Formula Inputs:

The Left Front Tire μ is: 0.7000
 The Left Front Tire % of Braking is: 0.3150
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.7000
 The Right Front Tire % of Braking is: 0.3150
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.7000
 The Left Rear Tire % of Braking is: 0.1850
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.0100
 The Right Rear Tire % of Braking is: 0.1850
 The Right Rear Tire Angular Difference is: 90.0000

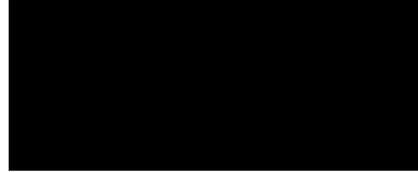
Formula Results:

The Acceleration/Drag Factor is: 0.5723

Calculation Notes:

Deceleration factor for vehicle 1 (WILKERSON) with reduced braking efficiency.
 Roadway coefficient of friction: 0.70.

Stanley B. Cain Accident
Reconstructionist, LLC



MINIMUM SPEED W/ KNOWN DRAG FACTOR

Find a Minimum Speed with a skid distance and drag factor.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$S = \sqrt{30 \times D \times f}$$

$$S = \sqrt{30 \times 53.2400 \times 0.4900}$$

$$S = \sqrt{782.6280}$$

$$S = 27.9754$$

*S = The Speed in mph/kph
30 = A Constant
D = The Distance in feet
f = The Adjusted Accel/Drag Factor*

Formula Inputs:

The Acceleration/Drag Factor is: 0.4900
The Distance in feet is: 53.2400

Formula Results:

The Speed in mph is: 27.9754
The Velocity in fps is: 41.0305

Calculation Notes:

Post impact speed range for vehicle 1 (WILKERSON).

Incrementation Results

<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>
0.4900	27.9754	0.5700	30.1729	0.6500	32.2208
0.5000	28.2595	0.5800	30.4364	0.6600	32.4677
0.5100	28.5407	0.5900	30.6976	0.6700	32.7127
0.5200	28.8191	0.6000	30.9567	0.6800	32.9559
0.5300	29.0949	0.6100	31.2136	0.6900	33.1974
0.5400	29.3681	0.6200	31.4684	0.7000	33.4371
0.5500	29.6388	0.6300	31.7212		
0.5600	29.9070	0.6400	31.9719		

Stanley B. Cain Accident
Reconstructionist, LLC



MINIMUM SPEED W/ KNOWN DRAG FACTOR

Find a Minimum Speed with a skid distance and drag factor.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$S = \sqrt{30 \times D \times f}$$

$$S = \sqrt{30 \times 188.5000 \times 0.1800}$$

$$S = \sqrt{1017.9000}$$

$$S = 31.9045$$

*S = The Speed in mph/kiph
30 = A Constant
D = The Distance in feet
f = The Adjusted Accel/Drag Factor*

Formula Inputs:

The Acceleration/Drag Factor is: 0.1800
The Distance in feet is: 188.5000

Formula Results:

The Speed in mph is: 31.9045
The Velocity in fps is: 46.7932

Calculation Notes:

Post impact speed range for vehicle 2 (ASHCRAFT).

Incrementation Results

<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>
0.1800	31.9045	0.2200	35.2718	0.2600	38.3444
0.1900	32.7788	0.2300	36.0645		
0.2000	33.6303	0.2400	36.8401		
0.2100	34.4608	0.2500	37.5998		

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$(W_1 \times V_1) + (W_2 \times V_2) = (W_1 \times V_3) + (W_2 \times V_4)$$

$$(3074.0000 \times V_1) + (3733.0000 \times 0.0000) = (3074.0000 \times 30.9600) + (3733.0000 \times 31.9000)$$

$$(3074.0000 \times V_1) + 0.0000 = 95171.0400 + 119082.7000$$

$$(3074.0000 \times V_1) + 0.0000 = 214253.7400$$

$$(3074.0000 \times V_1) = 214253.7400 - 0.0000$$

$$(3074.0000 \times V_1) = 214253.7400$$

*W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After Impact, Veh 1
V₄ = The Spd After Impact, Veh 2
** This is a Rear End collision ***

$$V_1 = \frac{214253.7400}{3074.0000} \quad V_1 = 69.6986$$

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
The After Impact Speed of Veh 1 is: 30.9600
The Wt of Veh 2 (lbs) is: 3733.0000
The Impact Spd of Veh 2 is: 0.0000
The After Impact Speed of Veh 2 is: 31.9000

Formula Results:

The Spd of Veh 1 in mph is: 69.6986
The Vel of Veh 1 in fps is: 102.2246

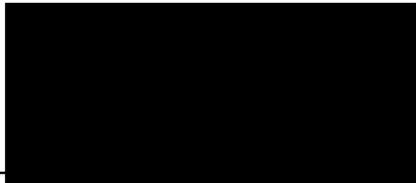
Calculation Notes:

Impact speed for both vehicles.
Roadway coefficient of friction: 0.60
100% braking efficiency by vehicle 1 (WILKERSON).

Incrementation Results

<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>
0.0000	69.6986	8.0000	59.9836	16.0000	50.2686
1.0000	68.4843	9.0000	58.7692	17.0000	49.0542
2.0000	67.2699	10.0000	57.5548	18.0000	47.8398
3.0000	66.0555	11.0000	56.3405	19.0000	46.6254
4.0000	64.8411	12.0000	55.1261	20.0000	45.4111
5.0000	63.6267	13.0000	53.9117		
6.0000	62.4124	14.0000	52.6973		
7.0000	61.1980	15.0000	51.4829		

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$(W_1 \times V_1) + (W_2 \times V_2) = (W_1 \times V_3) + (W_2 \times V_4)$$

$$(3074.0000 \times V_1) + (3733.0000 \times 0.0000) = (3074.0000 \times 27.9800) + (3733.0000 \times 31.9000)$$

$$(3074.0000 \times V_1) + 0.0000 = 86010.5200 + 119082.7000$$

$$(3074.0000 \times V_1) + 0.0000 = 205093.2200$$

$$(3074.0000 \times V_1) = 205093.2200 - 0.0000$$

$$(3074.0000 \times V_1) = 205093.2200$$

*W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After Impact, Veh 1
V₄ = The Spd After Impact, Veh 2
** This is a Rear End collision ***

$$V_1 = \frac{205093.2200}{3074.0000} \quad V_1 = 66.7186$$

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
The After Impact Speed of Veh 1 is: 27.9800
The Wt of Veh 2 (lbs) is: 3733.0000
The Impact Spd of Veh 2 is: 0.0000
The After Impact Speed of Veh 2 is: 31.9000

Formula Results:

The Spd of Veh 1 in mph is: 66.7186
The Vel of Veh 1 in fps is: 97.8539

Calculation Notes:

Impact speed for both vehicles.
Roadway coefficient of friction: 0.60
75% braking efficiency by vehicle 1 (WILKERSON).

Incrementation Results

<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>
0.0000	66.7186	7.0000	58.2180	14.0000	49.7173
1.0000	65.5043	8.0000	57.0036	15.0000	48.5029
2.0000	64.2899	9.0000	55.7892	16.0000	47.2886
3.0000	63.0755	10.0000	54.5748	17.0000	46.0742
4.0000	61.8611	11.0000	53.3605	18.0000	44.8598
5.0000	60.6467	12.0000	52.1461	19.0000	43.6454
6.0000	59.4324	13.0000	50.9317		

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$(W_1 \times V_1) + (W_2 \times V_2) = (W_1 \times V_3) + (W_2 \times V_4)$$

$$(3074.0000 \times V_1) + (3733.0000 \times 0.0000) = (3074.0000 \times 33.4400) + (3733.0000 \times 33.6300)$$

$$(3074.0000 \times V_1) + 0.0000 = 102794.5600 + 125540.7900$$

$$(3074.0000 \times V_1) + 0.0000 = 228335.3500$$

$$(3074.0000 \times V_1) = 228335.3500 - 0.0000$$

$$(3074.0000 \times V_1) = 228335.3500$$

*W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After Impact, Veh 1
V₄ = The Spd After Impact, Veh 2
** This is a Rear End collision ***

$$V_1 = \frac{228335.3500}{3074.0000} \quad V_1 = 74.2795$$

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
The After Impact Speed of Veh 1 is: 33.4400
The Wt of Veh 2 (lbs) is: 3733.0000
The Impact Spd of Veh 2 is: 0.0000
The After Impact Speed of Veh 2 is: 33.6300

Formula Results:

The Spd of Veh 1 in mph is: 74.2795
The Vel of Veh 1 in fps is: 108.9432

Calculation Notes:

Impact speed for both vehicles.
Roadway coefficient of friction: 0.70
100% braking efficiency by vehicle 1 (WILKERSON).

Incrementation Results

<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>
0.0000	74.2795	8.0000	64.5645	16.0000	54.8494
1.0000	73.0651	9.0000	63.3501	17.0000	53.6351
2.0000	71.8507	10.0000	62.1357	18.0000	52.4207
3.0000	70.6364	11.0000	60.9213	19.0000	51.2063
4.0000	69.4220	12.0000	59.7070	20.0000	49.9919
5.0000	68.2076	13.0000	58.4926		
6.0000	66.9932	14.0000	57.2782		
7.0000	65.7789	15.0000	56.0638		

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$(W_1 \times V_1) + (W_2 \times V_2) = (W_1 \times V_3) + (W_2 \times V_4)$$

$$(3074.0000 \times V_1) + (3733.0000 \times 0.0000) = (3074.0000 \times 30.1700) + (3733.0000 \times 33.6300)$$

$$(3074.0000 \times V_1) + 0.0000 = 92742.5800 + 125540.7900$$

$$(3074.0000 \times V_1) + 0.0000 = 218283.3700$$

$$(3074.0000 \times V_1) = 218283.3700 - 0.0000$$

$$(3074.0000 \times V_1) = 218283.3700$$

*W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After Impact, Veh 1
V₄ = The Spd After Impact, Veh 2
** This is a Rear End collision ***

$$V_1 = \frac{218283.3700}{3074.0000} \quad V_1 = 71.0095$$

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
The After Impact Speed of Veh 1 is: 30.1700
The Wt of Veh 2 (lbs) is: 3733.0000
The Impact Spd of Veh 2 is: 0.0000
The After Impact Speed of Veh 2 is: 33.6300

Formula Results:

The Spd of Veh 1 in mph is: 71.0095
The Vel of Veh 1 in fps is: 104.1472

Calculation Notes:

Impact speed for both vehicles.
Roadway coefficient of friction: 0.70
75% braking efficiency by vehicle 1 (WILKERSON).

Incrementation Results

<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>
0.0000	71.0095	8.0000	61.2945	16.0000	51.5794
1.0000	69.7951	9.0000	60.0801	17.0000	50.3651
2.0000	68.5807	10.0000	58.8657	18.0000	49.1507
3.0000	67.3664	11.0000	57.6513	19.0000	47.9363
4.0000	66.1520	12.0000	56.4370	20.0000	46.7219
5.0000	64.9376	13.0000	55.2226		
6.0000	63.7232	14.0000	54.0082		
7.0000	62.5089	15.0000	52.7938		

From: [Kathryn Irby](#)
To: [Brent Gasper](#); [Jim Jackson](#)
Cc: [Daiquiri Carter](#); [Martha Cox](#)
Subject: SPECIAL HEARING CANCELED: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec'd & Permanent Guardian of [REDACTED] a Minor v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641
Date: Wednesday, June 28, 2023 1:33:42 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Based on both parties' agreement with a November 8 scheduling of a hearing on the MPSJ, I am adding this MPSJ to that hearing docket and canceling the special hearing set tomorrow. I will notify the commissioners.

Brent, an October 6 response date is fine. Jim, you may file a reply on or before October 13. I will submit a proposed order memorializing this agreement to the Commission for review and approval at the next hearing.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, June 28, 2023 1:26 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: INFO NEEDED: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, dec'd & Permanent Guardian of [REDACTED] a Minor v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641

Kathryn, I just saw this email the minute I pushed "send" on my last transmission

Again, November 8 works. Can we all agree on October 6 as my response due date? That is a Friday and would even give Jim a little more time to respond if he so chose.

I would note that in agreeing to this new date I am assuming that the proper action is that the Commission is either 1) granting my motion for an enlargement of time, or 2) doing so sua sponte. Either way is fine with me as long as there is an order to the effect that the period of time to respond is enlarged entered prior to July 5. I would also note that I am ***not*** withdrawing my motion to strike. I may do so at a later date, more possibly after the Commission's decisions stemming from the August 11 hearing (which I believe will clear up a lot of pending issues), but as of right now I wish to keep my motion to strike pending.

Thank you again. I look forward to hearing that the hearing has officially been postponed.

Thanks!

Brent

Cc: Jim, Martha, Daiquiri

From: Jim Jackson <jim@jimjacksonatty.com>

Sent: Wednesday, June 28, 2023 1:13 PM

To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>

Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>

Subject: RE: INFO NEEDED: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, dec'd & Permanent Guardian of [REDACTED], a Minor v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641

[EXTERNAL SENDER]

Kathryn,

November 8 is good for me for the hearing on the MSJ.

Thank you,

Jim



Jim Jackson

Jackson Law Firm

JimJacksonAtty.com

700 W. Broadway

North Little Rock, AR 72114

P (501) 823-3610

F (501) 823-3611



From: Kathryn Irby <Kathryn.Irby@arkansas.gov>

Sent: Wednesday, June 28, 2023 12:49 PM

To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>

Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>

Subject: INFO NEEDED: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, dec'd & Permanent Guardian of [REDACTED], a Minor v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641

Importance: High

Brent and Jim, in reviewing Jim's response, I note in Paragraph 1 that Jim "does not oppose the Respondent's request for an enlarged period of time to respond to the Motion for Partial Summary

Judgment.” If that is the case, is this hearing tomorrow morning needed? I had a tentative spot on the November 8 docket for this MPSJ – is that agreeable to both parties? If so, Respondent’s response could be due thirty days before that hearing date, giving Jim time to reply and the Commission time to review prior to the hearing.

Please respond back at your earliest convenience, so that if this hearing needs to be canceled, I can do so.

Thanks,
Kathryn

From: Martha Cox <mcox@jimjacksonatty.com>
Sent: Wednesday, June 28, 2023 12:00 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, dec'd & Permanent Guardian of [REDACTED], a Minor v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641

Please find attached the claimant’s Response to Respondent’s Motion to Strike for filing in the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

From: [Martha Cox](#)
To: [Kathryn Irby](#); [ASCC Pleadings](#)
Cc: [Brent Gasper](#); [Daiquiri Carter](#); [Jim Jackson](#)
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d & Permanent Guardian of [REDACTED] a Minor v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641
Date: Wednesday, June 28, 2023 3:17:14 PM
Attachments: [Claimant's Supplemental Exhibit to Claimant's Motion for Partial Summary Judgment 6-28-2023.pdf](#)
[Letter to Kathryn Irby filing Claimant's Supplemental Exhibit to Claimant's Motion for Partial Summary Judgment 6-28-2023.pdf](#)

Please find attached the claimant's Supplemental Exhibit to the claimant's Motion for Partial Summary Judgment for filing in the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com



June 28, 2023

VIA Email and First Class Mail
ASCCPleadings@arkansas.gov
Kathryn.Irby@arkansas.gov

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline
Lynn Ashcraft, deceased and Permanent Guardian of
[REDACTED] a minor vs. The Arkansas Department of Human Services*
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Kathryn:

Please find enclosed the original and three copies of the claimant's Supplemental Exhibit to her Motion for Partial Summary Judgment on Issue of Liability for filing in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,

Jim R. Jackson

✓ JRJ/mc
Enclosures

cc/enc.: Brent Gasper, Esq. (via e-mail only)

JIM JACKSON // Attorney at Law

700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528

501.823.3610
Fax: 501.823.3611

Jim@JimJacksonAtty.com

www.JimJacksonAtty.com

ARKANSAS STATE CLAIMS COMMISSION

**HALEY HUDSON, SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JACQUELINE LYNN ASHCRAFT,
DECEASED AND HALEY HUDSON AS PERMANENT
LEGAL GUARDIAN OF [REDACTED], A
MINOR CHILD**

CLAIMANT

VS.

CC NO. 230641

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

**CLAIMANT'S SUPPLEMENTAL EXHIBIT TO HER MOTION FOR
PARTIAL SUMMARY JUDGMENT ON ISSUE OF LIABILITY**

Comes now the claimant, Haley Hudson. by and through her attorney, and for her Supplement to her Motion for Partial Summary Judgment on the Issue of Liability, states:

1. The Claimant retained Stanley Cain, a certified accident reconstructionist, to perform a site inspection, review the deposition testimony of Trooper James Ray and Kristen Shelton and photographs, and perform an analysis and calculations. Mr. Cain prepared an Investigation Report with exhibits which are attached hereto as Exhibit 1, along with his Affidavit.

2. Mr. Cain's expert opinion is:

The investigation has clearly concluded that Ms. Wilkerson was extremely negligent when she collided into the rear of Ms. Ashcraft. Furthermore, my investigation has concluded that Ms. Wilkerson was exceeding the posted speed limit for the highway.

There were no line-of-sight issues present at the scene and there were no adverse weather conditions present when the collision occurred. If Ms. Wilkerson had been keeping a proper lookout for traffic or hazards ahead, she could have easily observed that Ms. Ashcraft was slowing or stopped, and she could have avoided or greatly reduced the severity of the collision.

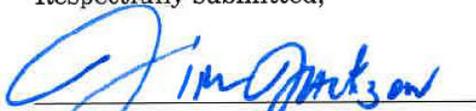
I did not discover any contributing actions to the collisions by Mr. Bobby Wilson.

3. Pursuant to Rule 56 of the Arkansas Rules of Civil Procedure, the claimant is entitled to judgment on the issue of liability as a matter of law for the reasons set forth herein and in her original Motion for Partial Summary Judgment and Brief in Support.

4. There is no genuine issue of material fact that Jennifer Wilkerson was solely responsible for causing the collision at issue while operating within the course and scope of her employment with the respondent.

WHEREFORE, the claimant prays that this Commission enter an Order granting the claimant's Motion for Partial Summary Judgment on the Issue of Liability.

Respectfully submitted,



Jim Jackson, AR Bar #93209
 Jackson Law Firm
 700 W. Broadway Street, Suite 200
 North Little Rock, AR 72114
 Phone: (501) 823-3610
 Fax: (501) 823-3611
 Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I hereby certify that on this date, June 28, 2023, I electronically transmitted the attached document via e-mail to the Clerk of the Arkansas State Claims Commission and to:

Brent Gasper, Esq.
 Assistant Deputy Chief Counsel
 Attorney for the Respondent
 P.O. Box 1437
 Little Rock, AR 72203-1437
 Brent.Gasper@dhs.Arkansas.gov



Jim Jackson

IN THE CIRCUIT COURT OF LOGAN COUNTY, ARKANSAS

HALEY HUDSON, SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JACQUELINE LYNN ASHCRAFT,
DECEASED, AND HALEY HUDSON AS PERMANENT
LEGAL GUARDIAN OF [REDACTED] A
MINOR CHILD

CLAIMANT

VS.

CC NO. 230641

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

RESPONDENT

AFFIDAVIT OF STANLEY B. CAIN

Comes now Stanley Cain, and for his Affidavit, states:

1. My name is Stanley Cain. I am over the age of 18 and am mentally competent to make this affidavit.

2. I am a member of the Accreditation Commission for Traffic Accident Reconstruction "ACTAR" with license number [REDACTED]. I passed ACTAR's independent credentialing examination that objectively assesses a candidate's comprehension and application of the minimum training standards of a forensic specialist in motor vehicle accident reconstruction.

3. I was employed by the Rogers Police Department from July 1995 through December 2020. I retired with the rank of Corporal which included 16 years total in the traffic unit for the Rogers Police Department. I served a total of 25 years and six months for the Rogers Police Department. I earned a Bachelor in of Science in Soil Science & Agronomy from the University of Arkansas in 1990.

4. I was retained by attorney Jim Jackson to perform an investigation of the crash that is the subject of this litigation.

5. Attached is my Investigation Report which contains my notes from the scene inspection where I went to the accident site and took photographs, made measurements and observations.

6. The findings from my analysis and calculations are that Jennifer Wilkerson was extremely negligent when she collided into the rear of Ms. Ashcraft's vehicle. Furthermore, Jacqueline Ashcraft's vehicle was positioned within the bounds of the eastbound lane of traffic on Highway 22 at all times relevant to this collision.

7. My findings are consistent with the findings of Trooper James Ray who prepared the accident report and provided deposition testimony on February 21, 2023.

8. My findings are consistent with the initial statements obtained by Arkansas Department of Human Services' employees and witnesses. These statements are attached to Kristen Shelton's deposition.

9. Attached as Exhibit 1 is my Investigation Report which contains the basis of my opinion and the supporting documentation which are:

- i. Ten pages of calculations using AR PRO computer program;
- ii. 35 scene photographs; and,
- iii. Diagram of the accident site prepared by Stanley Cain.

10. Attached as Exhibit 2 are four aerial photographs taken by a drone that I will utilize to assist my testimony in describing the accident scene at deposition and trial.


Stanley Cain, ACTAR #1686

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF PULASKI)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 26th day of June, 2023.

Martha Cox

NOTARY PUBLIC

My Commission Expires:

8-19-2031

SEAL

MARTHA COX
NOTARY PUBLIC - STATE OF ARKANSAS
SALINE COUNTY
My Commission Expires 8-19-2031
Commission # 12383466

Stanley B. Cain Accident Reconstructionist, LLC

INVESTIGATION REPORT

PREPARED FOR: Mr. Jim Jackson, with Jackson Law Firm.

REFERENCE: Jacqueline Ashcraft collision on 6/11/21.

On 5/16/23, Mr. Jim Jackson, with Jackson Law Firm, contacted me and requested my services to investigate a motor vehicle collision involving his client, the estate of Ms. Jacqueline Ashcraft.

ITEMS RECEIVED

1. Arkansas Motor Vehicle Collision Report from the Arkansas State Police (Report [REDACTED])
2. Crash scene photographs taken by Arkansas State Police.
3. Scene photographs taken by Mr. Jim Jackson.
4. Correspondence emails from the Arkansas Department of Human Services, regarding their internal investigation of the collision.
5. Trooper James Ray's deposition & exhibits.
6. Kristen Shelton's deposition & exhibits.
7. Aerial photographs of accident site.

BACKGROUND INFORMATION

Date and time of collision: Approximately 12:50 PM on 6/11/2021.

Location: Arkansas State Highway 22, Paris, Arkansas.

Vehicle 1: 2005 Hyundai Sonata, driven by Ms. Jacqueline Ashcraft.

Vehicle 2: 2009 Hyundai Elantra, driven by Ms. Jenifer Wilkerson.

Vehicle 3: 2001 Peterbilt truck-tractor and modular trailer, driven by Mr. Bobby Wilson.

SCENE INSPECTION

On 5/20/23, I went to the scene for observations, photographs, and measurements. Highway 22 is a two-lane State Highway consisting of one westbound lane and one eastbound lane, separated by a double yellow line, and bordered by white fog lines. The highway is bordered on both sides by improved shoulders. Each lane is approximately 11 feet wide. The eastbound shoulder is approximately 7.6 feet wide, and the westbound shoulder is approximately 7.3 feet wide. I did not observe any line-of-sight issues present that would hinder the view of traffic in either lane.

During the scene inspection, I located the final resting area of vehicle 1. The distances from the RP to A to D, from the vehicle collision report, ended at the shadow of a tire mark which I recognized as the remnants of the skid mark shown in the scene photographs for vehicle 1. I was able to locate the remaining end of the skid mark on the eastbound fog line.

With the measurements provided by the vehicle collision report, I located the beginning of the skid marks from vehicle 2. From the scene photographs I was able to place the beginning point of the skid marks in relation to the eastbound lane and shoulder. From the rumble stripes on the shoulder, I was able to locate the approximate beginning location of a passenger side skid mark, and the area where that skid mark crossed the fog line. With the approximate track width of vehicle 2, I was able to place the approximate location of the driver side skid mark.

The scene photographs also showed a third skid mark, which I identified as being produced by the left rear wheel of vehicle 2. That skid mark followed along the fog line and veered to the left with the other two skid marks. By counting the number of rumble stripes next to that skid mark, I was able to locate the approximate beginning point of that skid mark also.

I was not able to locate the ending location of the three skid marks. I placed the approximate ending location of the three skid marks, based upon their ending location in the scene photographs.

Further east I located numerous grooves and gouges in the westbound lane. I located an additional gouge in the eastbound lane, along with grooves leading to the final resting location of vehicle 2.

West of the area of impact, I located the beginning of a dual wheel skid mark on the westbound fog line, at approximately 274 feet west of the reference point. The skid mark continued onto the shoulder and ended as a single wheel skid mark, at approximately 452 feet west of the reference point.

For more information, refer to the scene diagram.

VEHICLE INSPECTIONS

None of the three vehicles were still available for inspections. To complete the investigation, I reviewed the scene photographs provided by Arkansas State Police.

I observed the damage to vehicle 1, and I noticed that the vehicle had primary contact damage to the passenger side half of the rear end. The driver side of the rear bumper contained induced damage. I observed that the crush damage retarded the rotation of the right rear wheel to the point that the wheel produced a post-impact skid mark. I observed that the back panel of the driver seat was leaning back into the rear passenger area. I did not locate any damage to the vehicle that would indicate that vehicle 1 collided with vehicle 3.

I observed the damage to vehicle 2, and I noticed that the vehicle had primary crush damage to the front end of the vehicle, with the most extensive crush to the left front section. I observed that vehicle 2, had induced damage to the driver door frame and the rear passenger door on the driver's side. Furthermore, I observed underride damage to the right front panel, which is consistent with vehicle 2 colliding with the underside of the modular home being towed by vehicle 3.

I observed that vehicle 3 had contact damage to the driver side tractor tandems, and secondary contact damage to the driver side front corner of the modular home and trailer frame. The damage at that corner is consistent with vehicle 2 under riding the trailer with the front end. The under-riding contact by vehicle 2 is consistent with vehicle 2 creating the gouges and grooves seen in the westbound lane, at maximum engagement.

ANALYSIS AND CALCULATIONS

To conduct the impact speed calculations for vehicle 2, I had to first calculate the post-impact speed for both vehicle 1 and vehicle 2. From the scene diagram I measured that vehicle 1 traveled approximately 188.5 feet. From the observations of the scene photographs provided by Arkansas State Police, I noticed that the damage to vehicle 1 had retarded the right rear wheel to the point that it was producing a skid mark. Although I located only a portion of the skid mark from vehicle 1 during the scene inspection, the braking capability of that wheel would have commenced at the point of maximum engagement between the two vehicles.

To determine the post-impact speed, I had to calculate the adjusted deceleration factor for vehicle 1. To calculate the total deceleration factor for the vehicle I used a rolling resistance value of 0.01 for the left rear wheel (non-drive axle) and 0.10 for the left front wheel and the right front wheel (drive axle)¹. For the right rear wheel (damage induced braking) I used an accepted coefficient of friction of 0.60 to 0.80 for a dry asphalt roadway surface that has been subjected to traveled use². I calculated the post-impact speed for vehicle 1 at approximately 33.63 MPH, using an average coefficient of friction of 0.70.

Next, I calculated the post-impact speed for vehicle 2. From the scene photographs I observed post-impact skid marks leading from the area of impact. The beginning of the driver side skid mark had a darkened area that was darker than the remaining portion of the skid mark. I recognized this as an indicator of the area of impact because wheels that are braking tend to produce very darkened skid marks upon maximum engagement with another vehicle. Furthermore, the scene photographs show three skid marks from vehicle 2, which indicates that it was off tracking from lateral instability. This movement is another indicator that vehicle 2 is moving away post-impact. The above-described characteristics of the skid marks conclude that there were very little to no pre-impact skid marks from vehicle 2 and therefore little to no pre-impact braking by vehicle 2.

From the scene diagram, I measured that vehicle 2 traveled approximately 53.2 feet post impact to the area where the vehicle collided with vehicle 3. I calculated the post-impact speed for vehicle 2 at approximately 33.44 MPH, using an average coefficient of friction of 0.70.

To further analyze the potential variability in the impact speed of vehicle 2, I calculated post-impact speeds for both vehicles using a roadway coefficient of friction of 0.60. In addition, the scene photographs depicted only three post-impact skid marks for vehicle 2. Therefore, I adjusted the deceleration factor for vehicle 2.

Furthermore, I provided a range of impact speeds for vehicle 2 based upon the potential range of pre-impact speed for vehicle 1. I did not locate any evidence during my scene inspection to indicate the pre-impact speed of vehicle 1. However, the statements by both Ms. Wilkerson and Mr. Wilson indicate that vehicle 1 was stationary when the impact occurred.

I calculated the impact speeds with AR PRO 15 Accident Reconstruction Software. The summary of the impact speeds is listed below:

¹ D. Parkka, Equation Directory for the Reconstructionist, First Edition.

² R. W. Rivers, On-Scene Traffic Accident Investigators Manual (Charles C. Thomas Publisher, 1981) 136.

IMPACT SPEED FOR WILKERSON (MPH)			
Coeff. of Friction	Ashcraft (Stationary)	Ashcraft (10 MPH)	Ashcraft (20 MPH)
0.70	74.3	62.1	50.0
0.57	71.0	58.9	46.7
0.60	69.7	57.6	45.4
0.49	66.7	54.6	42.4

For more information refer to the AR PRO Calculation Reports. NOTE: When referencing the AR PRO Calculation Reports, please be aware that vehicle 1 is WILKERSON and vehicle 2 is ASHCRAFT, in order to match the variables in the collinear momentum formula.

Based upon a review of the post-impact speeds I have concluded that the post-impact speed of vehicle 2 would be closer to the speeds calculated without a reduction in the braking efficiency. My conclusion is based upon my finding that the range of post-impact speeds for vehicle 1 (33.63 MPH to 31.90 MPH) is more consistent with the range of post-impact speeds for vehicle 2 (33.44 MPH to 30.96MPH).

The calculations clearly show that the post-impact speed of vehicle 1 was increased from the initial speed, which was result of the greater amount of momentum being brought into the collision by vehicle 2. Also, generally in momentum analysis the target vehicle (vehicle 1) can only depart from the collision at a speed equal to or less than the post-impact speed of the bullet vehicle. However, in this collision, the post-impact speed for vehicle 1 is slightly more than the value for vehicle 2. The investigation states that vehicle 2 also collided with vehicle 3, after colliding with vehicle 1. It is not known for certain, but vehicle 2 still may have been traveling eastbound when it collided with vehicle 3, and that collision prevented vehicle 2 from the opportunity to travel on its own to a complete stop. If vehicle 2 had been able to travel a further distance, then it would have generated a greater post-impact speed.

The damage profile to the rear of vehicle 1 clearly indicates that the impact by vehicle 2 was an off-set collision and not a complete in-line impact. The beginning of the skid marks from vehicle 2, along with the impact configuration, conclude that vehicle 1 was positioned within the bounds of the eastbound lane. Vehicle 1 was positioned towards the south half of the eastbound lane, likely because vehicle 3 was approaching and towing an oversized load. The delivery receipt shown within the scene photographs indicate that the oversized load behind vehicle 3 was a 14-foot by 56-foot modular home section.

During the scene inspection I observed that the eastbound lane was bordered by an improved paved shoulder, and the shoulder measured approximately 7.6 feet wide. The vehicle specifications for vehicle 2 list that it is approximately 5.9 feet wide for overall width. The shoulder would have provided Ms. Wilkerson with adequate room to maneuver her vehicle around vehicle 1 and avoid the collision altogether or greatly reduce the severity of the collision. The placement of the vehicles at impact indicates that vehicle 2 was veering to the right and possibly attempting to avoid the impact.

RESULTS AND CONCLUSIONS

The investigation has clearly concluded that Ms. Wilkerson was extremely negligent when she collided into the rear of Ms. Ashcraft. Furthermore, my investigation has concluded that Ms. Wilkerson was exceeding the posted speed limit for the highway.

There were no line-of-sight issues present at the scene and there were no adverse weather conditions present when the collision occurred. If Ms. Wilkerson had been keeping a proper lookout for traffic or hazards ahead, she could have easily observed that Ms. Ashcraft was slowing or stopped, and she could have avoided or greatly reduced the severity of the collision.

I did not discover any contributing actions to the collisions by Mr. Bobby Wilson.

I reserve the right to revise or supplement this report, based upon the discovery of new information or data, including the testimony or statements of parties and/or witnesses.

By: Stanley B. Cain





Stanley B. Cain Accident
Reconstructionist, LLC

COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_{lf} \times n_{lf} \times \sin\theta) + (\mu_{rf} \times n_{rf} \times \sin\theta) + (\mu_{lr} \times n_{lr} \times \sin\theta) + (\mu_{rr} \times n_{rr} \times \sin\theta)$$

$$f = (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.0100 \times 0.1950 \times \sin(90.0000)) + (0.6000 \times 0.1950 \times \sin(90.0000))$$

$$f = (0.1000 \times 0.3050 \times 1.0000) + (0.1000 \times 0.3050 \times 1.0000) + (0.0100 \times 0.1950 \times 1.0000) + (0.6000 \times 0.1950 \times 1.0000)$$

$$f = 0.0305 + 0.0305 + 0.0019 + 0.1170$$

$$f = 0.1799$$

f = The Adjusted Accel/ Drag Factor

μ = The Tire - Surface Friction by wheel

n = The Percentage of Braking

θ = The angular difference between the veh heading and CalM direction

(*lf, rf, lr, rr* = The tire at each corner of the vehicle (left front, etc.)

m = The Grade Percentage

Formula Inputs:

The Left Front Tire μ is: 0.1000
 The Left Front Tire % of Braking is: 0.3050
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.1000
 The Right Front Tire % of Braking is: 0.3050
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.0100
 The Left Rear Tire % of Braking is: 0.1950
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.6000
 The Right Rear Tire % of Braking is: 0.1950
 The Right Rear Tire Angular Difference is: 90.0000

Formula Results:

The Acceleration/ Drag Factor is: 0.1799

Calculation Notes:

Deceleration factor for vehicle 2 (ASHCRAFT), with a drive axle rolling resistance of 0.10.
 Roadway coefficient of friction: 0.60.

Stanley B. Cain Accident
Reconstructionist, LLC



COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_{lf} \times n_{lf} \times \sin\theta) + (\mu_{rf} \times n_{rf} \times \sin\theta) + (\mu_{lr} \times n_{lr} \times \sin\theta) + (\mu_{rr} \times n_{rr} \times \sin\theta)$$

$$f = (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.0100 \times 0.1950 \times \sin(90.0000)) + (0.7000 \times 0.1950 \times \sin(90.0000))$$

$$f = (0.1000 \times 0.3050 \times 1.0000) + (0.1000 \times 0.3050 \times 1.0000) + (0.0100 \times 0.1950 \times 1.0000) + (0.7000 \times 0.1950 \times 1.0000)$$

$$f = 0.0305 + 0.0305 + 0.0019 + 0.1365$$

$$f = 0.1994$$

f = The Adjusted Accel/Drag Factor

μ = The Tire - Surface Friction by wheel

n = The Percentage of Braking

θ = The angular difference between the veh heading and CollM direction

(f, rf, lr, rr = The tire at each corner of the vehicle (left front, etc))

m = The Grade Percentage

Formula Inputs:

The Left Front Tire μ is: 0.1000
 The Left Front Tire % of Braking is: 0.3050
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.1000
 The Right Front Tire % of Braking is: 0.3050
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.0100
 The Left Rear Tire % of Braking is: 0.1950
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.7000
 The Right Rear Tire % of Braking is: 0.1950
 The Right Rear Tire Angular Difference is: 90.0000

Formula Results:

The Acceleration/Drag Factor is: 0.1994

Calculation Notes:

Deceleration factor for vehicle 2 (ASHCRAFT), with a drive axle rolling resistance of 0.10.
 Roadway coefficient of friction: 0.70.

Stanley B. Cain Accident
Reconstructionist, LLC



COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_{lf} \times n_{lf} \times \sin\theta) + (\mu_{rf} \times n_{rf} \times \sin\theta) + (\mu_{lr} \times n_{lr} \times \sin\theta) + (\mu_{rr} \times n_{rr} \times \sin\theta)$$

$$f = (0.6000 \times 0.3150 \times \sin(90.0000)) + (0.6000 \times 0.3150 \times \sin(90.0000)) + (0.6000 \times 0.1850 \times \sin(90.0000)) + (0.0100 \times 0.1850 \times \sin(90.0000))$$

$$f = (0.6000 \times 0.3150 \times 1.0000) + (0.6000 \times 0.3150 \times 1.0000) + (0.6000 \times 0.1850 \times 1.0000) + (0.0100 \times 0.1850 \times 1.0000)$$

$$f = 0.1890 + 0.1890 + 0.1110 + 0.0018$$

$$f = 0.4908$$

*f = The Adjusted Accel/ Drag Factor
 μ = The Tire - Surface Friction by wheel
 n = The Percentage of Braking
 θ = The angular difference between the veh heading and CollM direction
 lf, rf, lr, rr = The tire at each corner, of the vehicle (left front, etc.)
 m = The Grade Percentage*

Formula Inputs:

The Left Front Tire μ is: 0.6000
 The Left Front Tire % of Braking is: 0.3150
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.6000
 The Right Front Tire % of Braking is: 0.3150
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.6000
 The Left Rear Tire % of Braking is: 0.1850
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.0100
 The Right Rear Tire % of Braking is: 0.1850
 The Right Rear Tire Angular Difference is: 90.0000

Formula Results:

The Acceleration/ Drag Factor is: 0.4908

Calculation Notes:

Deceleration factor for vehicle 1 (WILKERSON) with reduced braking efficiency.
 Roadway coefficient of friction: 0.60.

Stanley B. Cain Accident
Reconstructionist, LLC



COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_{lf} \times n_{lf} \times \sin\theta) + (\mu_{rf} \times n_{rf} \times \sin\theta) + (\mu_{lr} \times n_{lr} \times \sin\theta) + (\mu_{rr} \times n_{rr} \times \sin\theta)$$

$$f = (0.7000 \times 0.3150 \times \sin(90.0000)) + (0.7000 \times 0.3150 \times \sin(90.0000)) + (0.7000 \times 0.1850 \times \sin(90.0000)) + (0.0100 \times 0.1850 \times \sin(90.0000))$$

$$f = (0.7000 \times 0.3150 \times 1.0000) + (0.7000 \times 0.3150 \times 1.0000) + (0.7000 \times 0.1850 \times 1.0000) + (0.0100 \times 0.1850 \times 1.0000)$$

$$f = 0.2205 + 0.2205 + 0.1295 + 0.0018$$

$$f = 0.5723$$

f = The Adjusted Accel/Drag Factor

\mu = The Tire - Surface Friction by wheel

n = The Percentage of Braking

\theta = The angular difference between the veh heading and Coll direction

(l, r, lr, rr = The tire at each corner of the vehicle (left front, etc))

m = The Grade Percentage

Formula Inputs:

The Left Front Tire μ is: 0.7000
 The Left Front Tire % of Braking is: 0.3150
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.7000
 The Right Front Tire % of Braking is: 0.3150
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.7000
 The Left Rear Tire % of Braking is: 0.1850
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.0100
 The Right Rear Tire % of Braking is: 0.1850
 The Right Rear Tire Angular Difference is: 90.0000

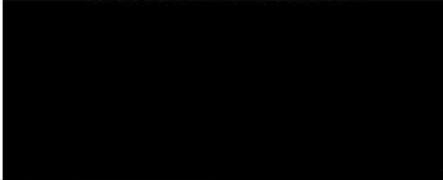
Formula Results:

The Acceleration/Drag Factor is: 0.5723

Calculation Notes:

Deceleration factor for vehicle 1 (WILKERSON) with reduced braking efficiency.
 Roadway coefficient of friction: 0.70.

Stanley B. Cain Accident
Reconstructionist, LLC



MINIMUM SPEED W/ KNOWN DRAG FACTOR

Find a Minimum Speed with a skid distance and drag factor.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$S = \sqrt{30 \times D \times f}$$

$$S = \sqrt{30 \times 53.2400 \times 0.4900}$$

$$S = \sqrt{782.6280}$$

$$S = 27.9754$$

*S = The Speed in mph/kph
30 = A Constant
D = The Distance in feet
f = The Adjusted Accel/Drage Factor*

Formula Inputs:

The Acceleration/Drage Factor is: 0.4900
The Distance in feet is: 53.2400

Formula Results:

The Speed in mph is: 27.9754
The Velocity in fps is: 41.0305

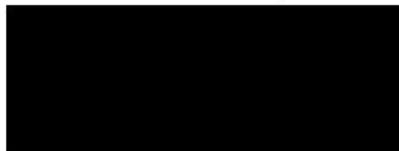
Calculation Notes:

Post impact speed range for vehicle 1 (WILKERSON).

Incrementation Results

<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>
0.4900	27.9754	0.5700	30.1729	0.6500	32.2208
0.5000	28.2595	0.5800	30.4364	0.6600	32.4677
0.5100	28.5407	0.5900	30.6976	0.6700	32.7127
0.5200	28.8191	0.6000	30.9567	0.6800	32.9559
0.5300	29.0949	0.6100	31.2136	0.6900	33.1974
0.5400	29.3681	0.6200	31.4684	0.7000	33.4371
0.5500	29.6388	0.6300	31.7212		
0.5600	29.9070	0.6400	31.9719		

Stanley B. Cain Accident
Reconstructionist, LLC



MINIMUM SPEED W/ KNOWN DRAG FACTOR

Find a Minimum Speed with a skid distance and drag factor.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$S = \sqrt{30 \times D \times f}$$

$$S = \sqrt{30 \times 188.5000 \times 0.1800}$$

$$S = \sqrt{1017.9000}$$

$$S = 31.9045$$

*S = The Speed in mph/kph
30 = A Constant
D = The Distance in feet
f = The Adjusted Accel/ Drag Factor*

Formula Inputs:

The Acceleration/ Drag Factor is: 0.1800
The Distance in feet is: 188.5000

Formula Results:

The Speed in mph is: 31.9045
The Velocity in fps is: 46.7932

Calculation Notes:

Post impact speed range for vehicle 2 (ASHCRAFT).

Incrementation Results

<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>
0.1800	31.9045	0.2200	35.2718	0.2600	38.3444
0.1900	32.7788	0.2300	36.0645		
0.2000	33.6303	0.2400	36.8401		
0.2100	34.4608	0.2500	37.5998		

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$(W_1 \times V_1) + (W_2 \times V_2) = (W_1 \times V_3) + (W_2 \times V_4)$$

$$(3074.0000 \times V_1) + (3733.0000 \times 0.0000) = (3074.0000 \times 30.9600) + (3733.0000 \times 31.9000)$$

$$(3074.0000 \times V_1) + 0.0000 = 95171.0400 + 119082.7000$$

$$(3074.0000 \times V_1) + 0.0000 = 214253.7400$$

$$(3074.0000 \times V_1) = 214253.7400 - 0.0000$$

$$(3074.0000 \times V_1) = 214253.7400$$

$$V_1 = \frac{214253.7400}{3074.0000} \quad V_1 = 69.6986$$

*W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After impact, Veh 1
V₄ = The Spd After impact, Veh 2
This is a Rear End collision*

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
The After Impact Speed of Veh 1 is: 30.9600
The Wt of Veh 2 (lbs) is: 3733.0000
The Impact Spd of Veh 2 is: 0.0000
The After Impact Speed of Veh 2 is: 31.9000

Formula Results:

The Spd of Veh 1 in mph is: 69.6986
The Vel of Veh 1 in fps is: 102.2246

Calculation Notes:

Impact speed for both vehicles.
Roadway coefficient of friction: 0.60
100% braking efficiency by vehicle 1 (WILKERSON).

Incrementation Results

<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>
0.0000	69.6986	8.0000	59.9836	16.0000	50.2686
1.0000	68.4843	9.0000	58.7692	17.0000	49.0542
2.0000	67.2699	10.0000	57.5548	18.0000	47.8398
3.0000	66.0555	11.0000	56.3405	19.0000	46.6254
4.0000	64.8411	12.0000	55.1261	20.0000	45.4111
5.0000	63.6267	13.0000	53.9117		
6.0000	62.4124	14.0000	52.6973		
7.0000	61.1980	15.0000	51.4829		

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$(W_1 \times V_1) + (W_2 \times V_2) = (W_1 \times V_3) + (W_2 \times V_4)$$

$$(3074.0000 \times V_1) + (3733.0000 \times 0.0000) = (3074.0000 \times 27.9800) + (3733.0000 \times 31.9000)$$

$$(3074.0000 \times V_1) + 0.0000 = 86010.5200 + 119082.7000$$

$$(3074.0000 \times V_1) + 0.0000 = 205093.2200$$

$$(3074.0000 \times V_1) = 205093.2200 - 0.0000$$

$$(3074.0000 \times V_1) = 205093.2200$$

$$V_1 = \frac{205093.2200}{3074.0000} \quad V_1 = 66.7186$$

*W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After Impact, Veh 1
V₄ = The Spd After Impact, Veh 2
** This is a Rear End collision ***

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
The After Impact Speed of Veh 1 is: 27.9800
The Wt of Veh 2 (lbs) is: 3733.0000
The Impact Spd of Veh 2 is: 0.0000
The After Impact Speed of Veh 2 is: 31.9000

Formula Results:

The Spd of Veh 1 in mph is: 66.7186
The Vel of Veh 1 in fps is: 97.8539

Calculation Notes:

Impact speed for both vehicles.
Roadway coefficient of friction: 0.60
75% braking efficiency by vehicle 1 (WILKERSON).

Incrementation Results

<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>
0.0000	66.7186	7.0000	58.2180	14.0000	49.7173
1.0000	65.5043	8.0000	57.0036	15.0000	48.5029
2.0000	64.2899	9.0000	55.7892	16.0000	47.2886
3.0000	63.0755	10.0000	54.5748	17.0000	46.0742
4.0000	61.8611	11.0000	53.3605	18.0000	44.8598
5.0000	60.6467	12.0000	52.1461	19.0000	43.6454
6.0000	59.4324	13.0000	50.9317		

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$(W_1 \times V_1) + (W_2 \times V_2) = (W_1 \times V_3) + (W_2 \times V_4)$$

$$(3074.0000 \times V_1) + (3733.0000 \times 0.0000) = (3074.0000 \times 33.4400) + (3733.0000 \times 33.6300)$$

$$(3074.0000 \times V_1) + 0.0000 = 102794.5600 + 125540.7900$$

$$(3074.0000 \times V_1) + 0.0000 = 228335.3500$$

$$(3074.0000 \times V_1) = 228335.3500 - 0.0000$$

$$(3074.0000 \times V_1) = 228335.3500$$

$$V_1 = \frac{228335.3500}{3074.0000} \quad V_1 = 74.2795$$

*W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After Impact, Veh 1
V₄ = The Spd After Impact, Veh 2
** This is a Rear End collision ***

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
The After Impact Speed of Veh 1 is: 33.4400
The Wt of Veh 2 (lbs) is: 3733.0000
The Impact Spd of Veh 2 is: 0.0000
The After Impact Speed of Veh 2 is: 33.6300

Formula Results:

The Spd of Veh 1 in mph is: 74.2795
The Vel of Veh 1 in fps is: 108.9432

Calculation Notes:

Impact speed for both vehicles.
Roadway coefficient of friction: 0.70
100% braking efficiency by vehicle 1 (WILKERSON).

Incrementation Results

IS V ₂	V ₁ Speed	IS V ₂	V ₁ Speed	IS V ₂	V ₁ Speed
0.0000	74.2795	8.0000	64.5645	16.0000	54.8494
1.0000	73.0651	9.0000	63.3501	17.0000	53.6351
2.0000	71.8507	10.0000	62.1357	18.0000	52.4207
3.0000	70.6364	11.0000	60.9213	19.0000	51.2063
4.0000	69.4220	12.0000	59.7070	20.0000	49.9919
5.0000	68.2076	13.0000	58.4926		
6.0000	66.9932	14.0000	57.2782		
7.0000	65.7789	15.0000	56.0638		

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$(W_1 \times V_1) + (W_2 \times V_2) = (W_1 \times V_3) + (W_2 \times V_4)$$

$$(3074.0000 \times V_1) + (3733.0000 \times 0.0000) = (3074.0000 \times 30.1700) + (3733.0000 \times 33.6300)$$

$$(3074.0000 \times V_1) + 0.0000 = 92742.5800 + 125540.7900$$

$$(3074.0000 \times V_1) + 0.0000 = 218283.3700$$

$$(3074.0000 \times V_1) = 218283.3700 - 0.0000$$

$$(3074.0000 \times V_1) = 218283.3700$$

$$218283.3700$$

$$V_1 = \frac{218283.3700}{3074.0000} \quad V_1 = 71.0095$$

*W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After Impact, Veh 1
V₄ = The Spd After Impact, Veh 2
** This is a Rear End collision ***

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
The After Impact Speed of Veh 1 is: 30.1700
The Wt of Veh 2 (lbs) is: 3733.0000
The Impact Spd of Veh 2 is: 0.0000
The After Impact Speed of Veh 2 is: 33.6300

Formula Results:

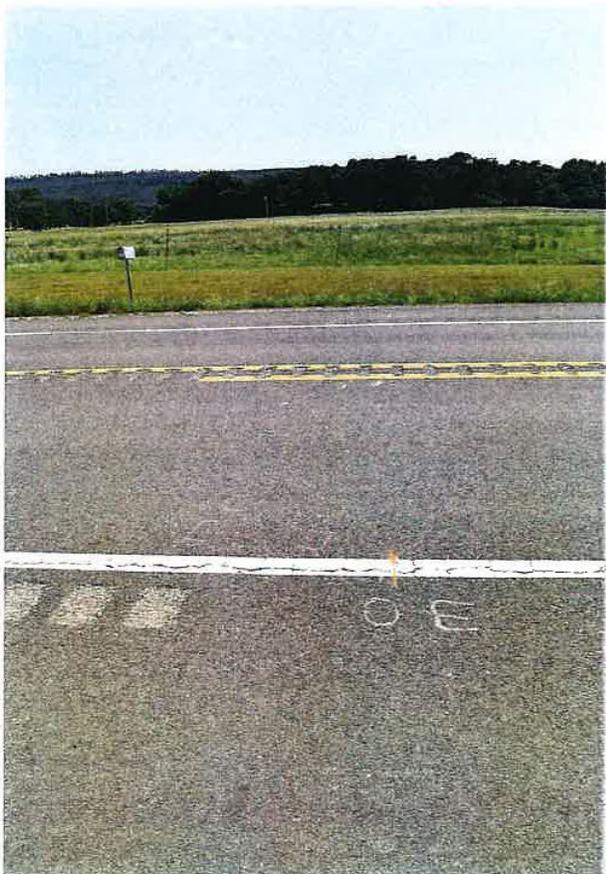
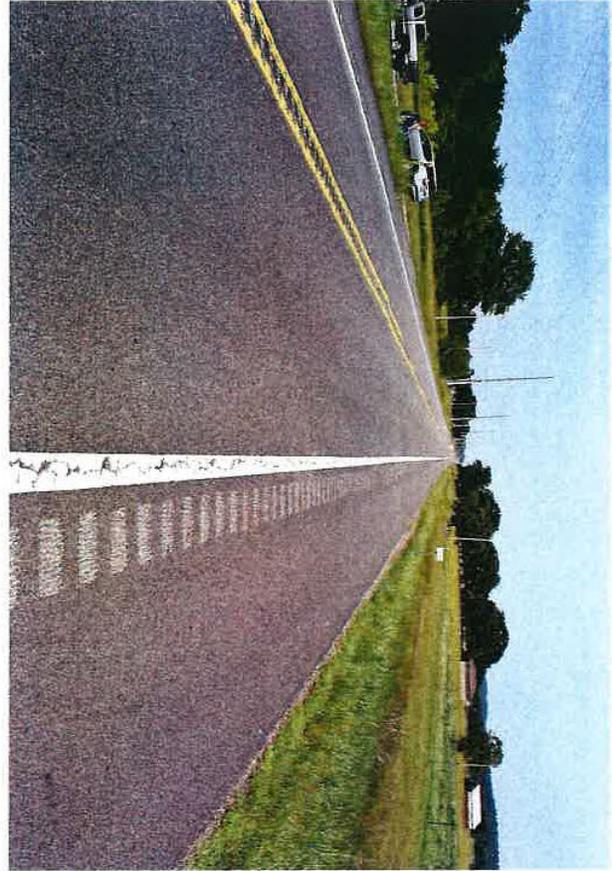
The Spd of Veh 1 in mph is: 71.0095
The Vel of Veh 1 in fps is: 104.1472

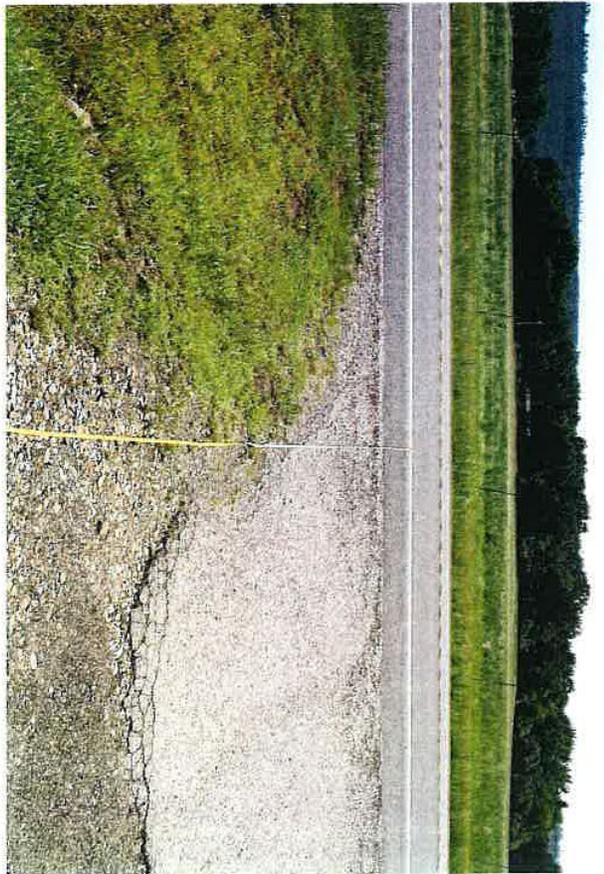
Calculation Notes:

Impact speed for both vehicles.
Roadway coefficient of friction: 0.70
75% braking efficiency by vehicle 1 (WILKERSON).

Incrementation Results

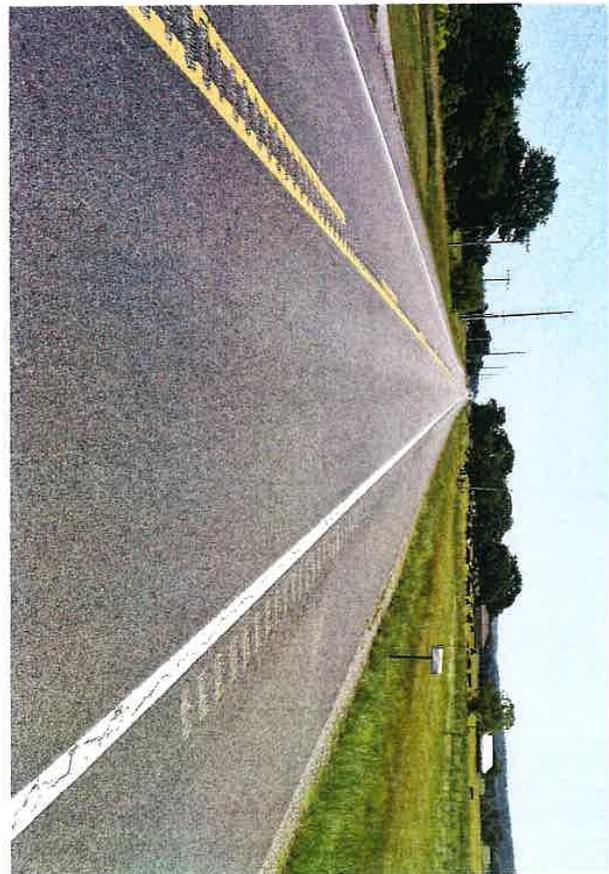
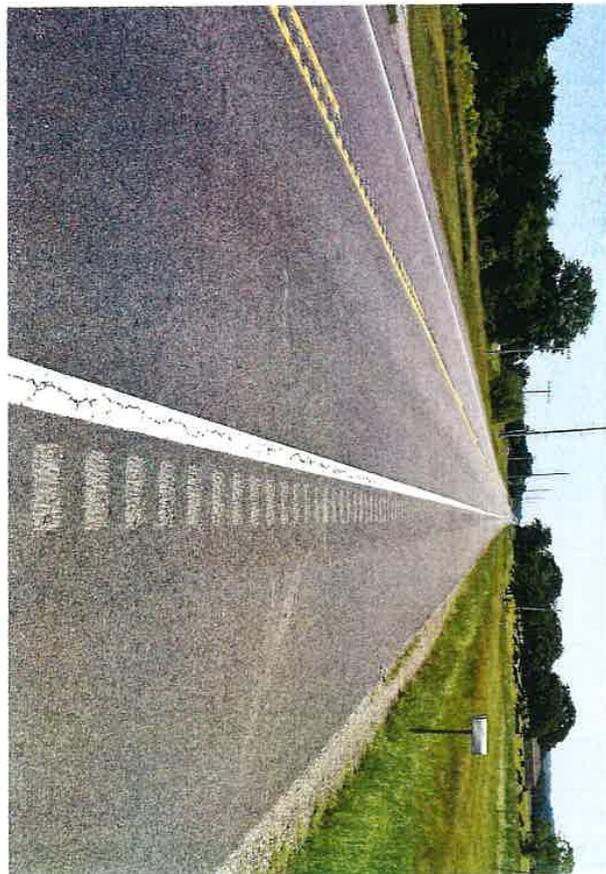
<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>
0.0000	71.0095	8.0000	61.2945	16.0000	51.5794
1.0000	69.7951	9.0000	60.0801	17.0000	50.3651
2.0000	68.5807	10.0000	58.8657	18.0000	49.1507
3.0000	67.3664	11.0000	57.6513	19.0000	47.9363
4.0000	66.1520	12.0000	56.4370	20.0000	46.7219
5.0000	64.9376	13.0000	55.2226		
6.0000	63.7232	14.0000	54.0082		
7.0000	62.5089	15.0000	52.7938		

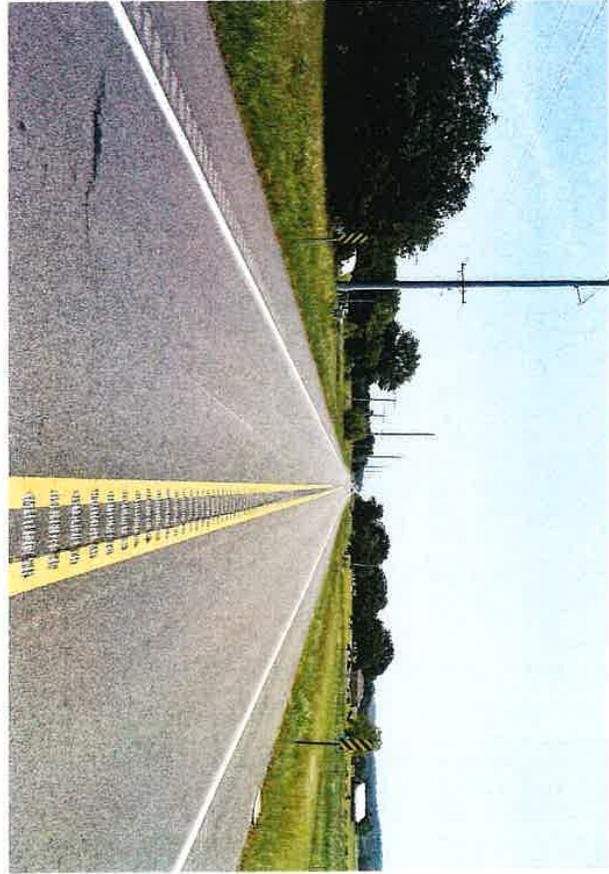
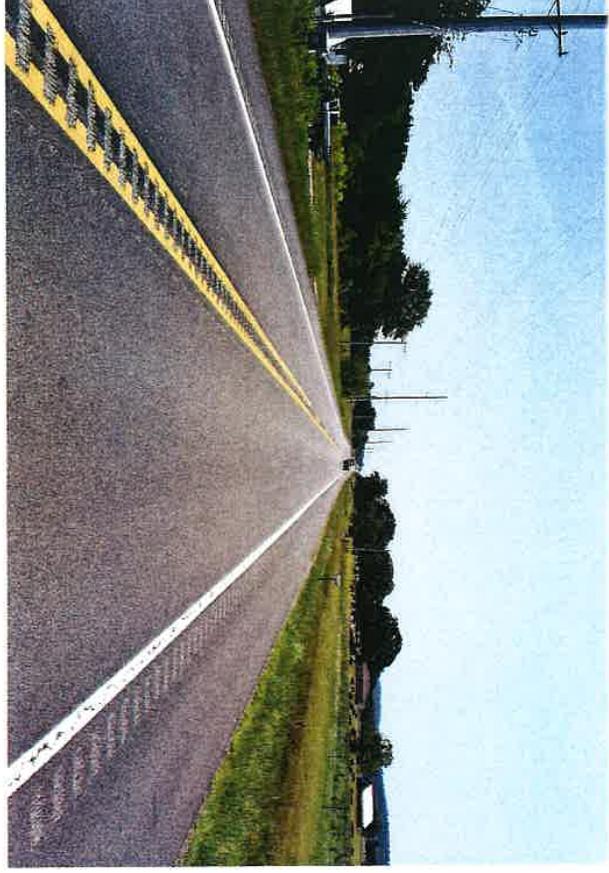


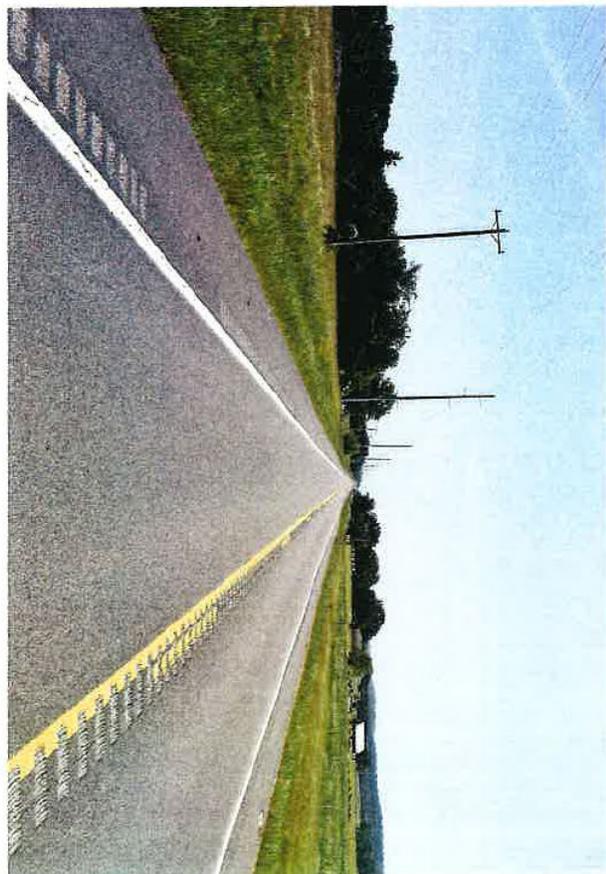


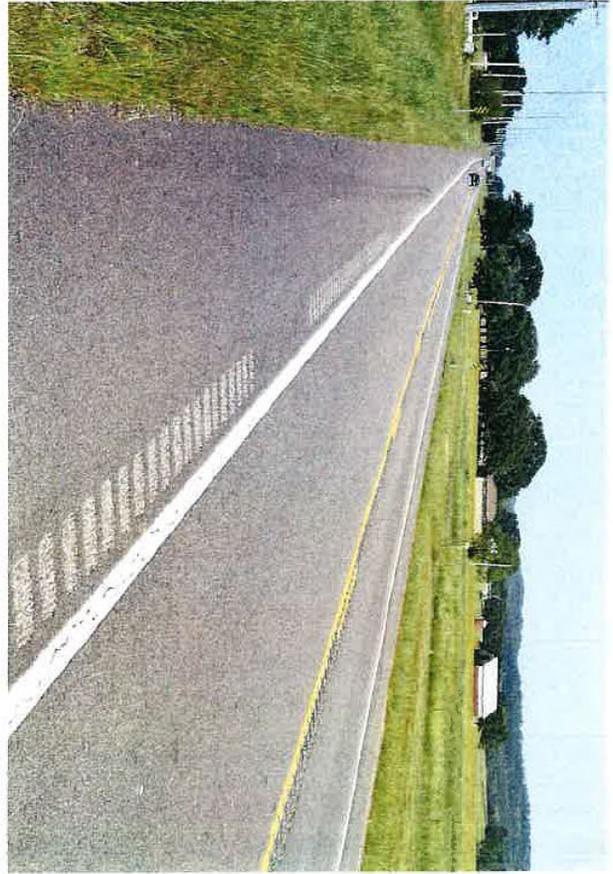


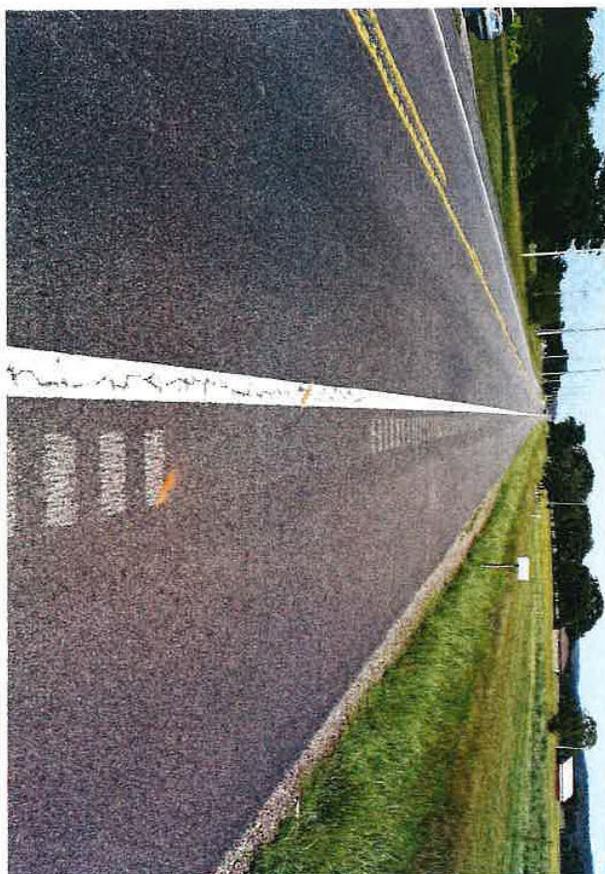
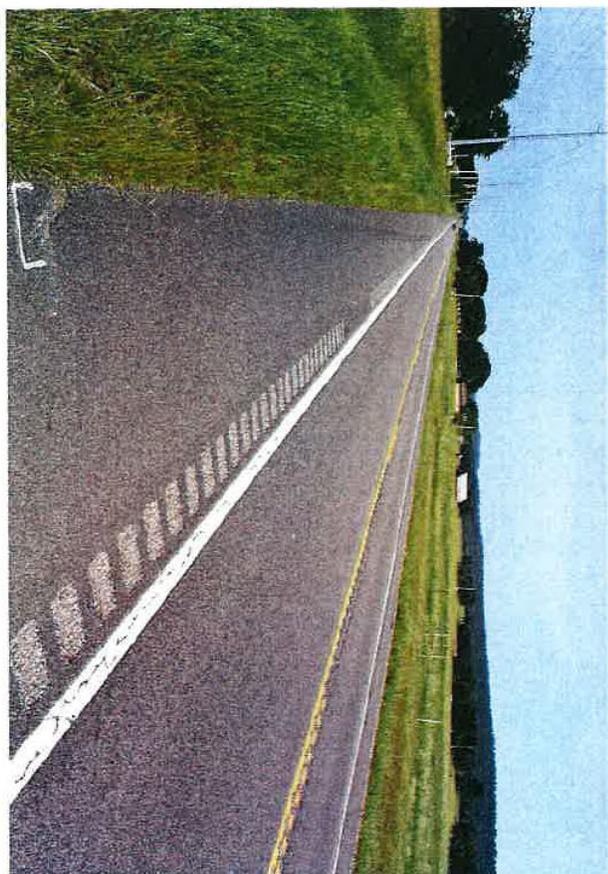






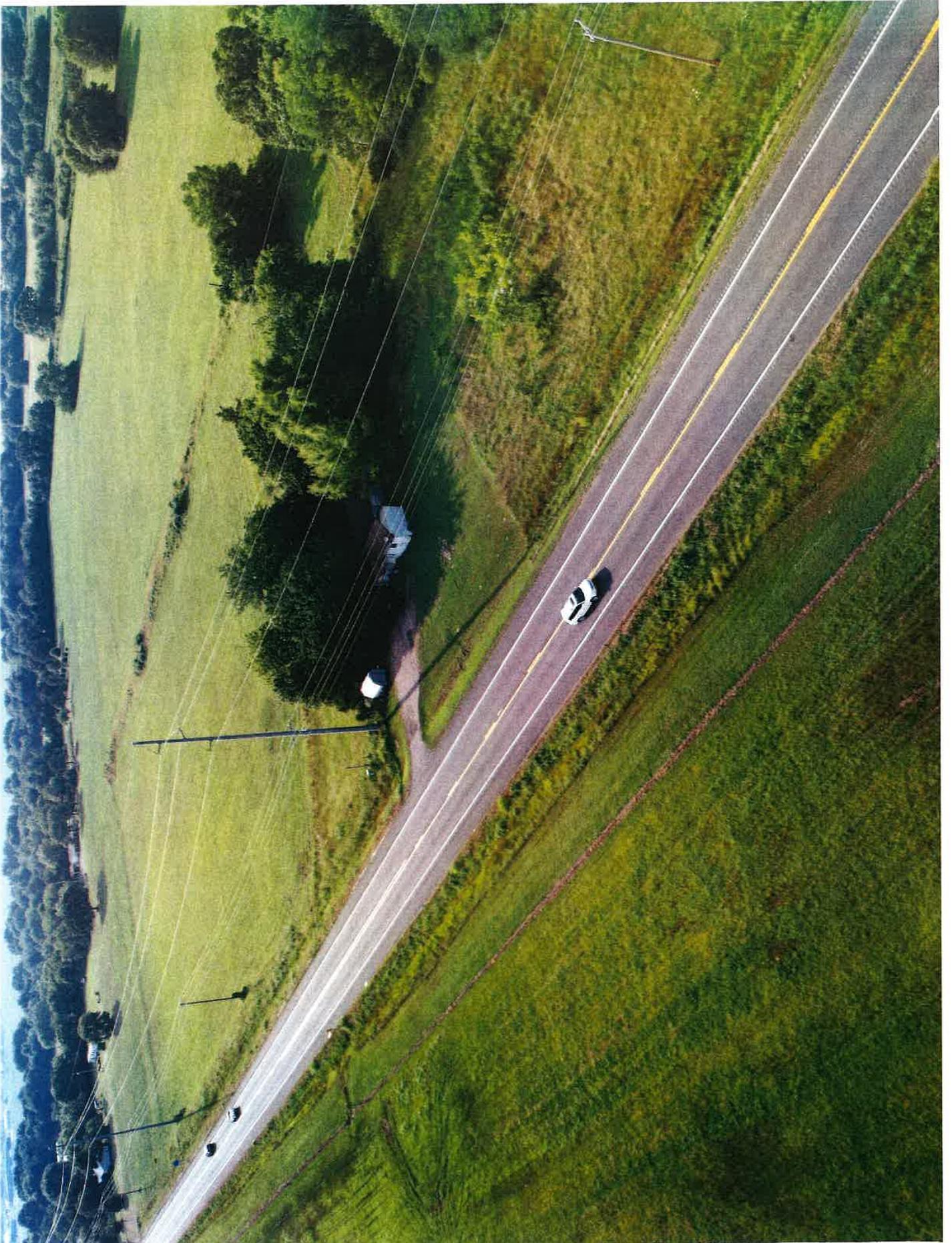


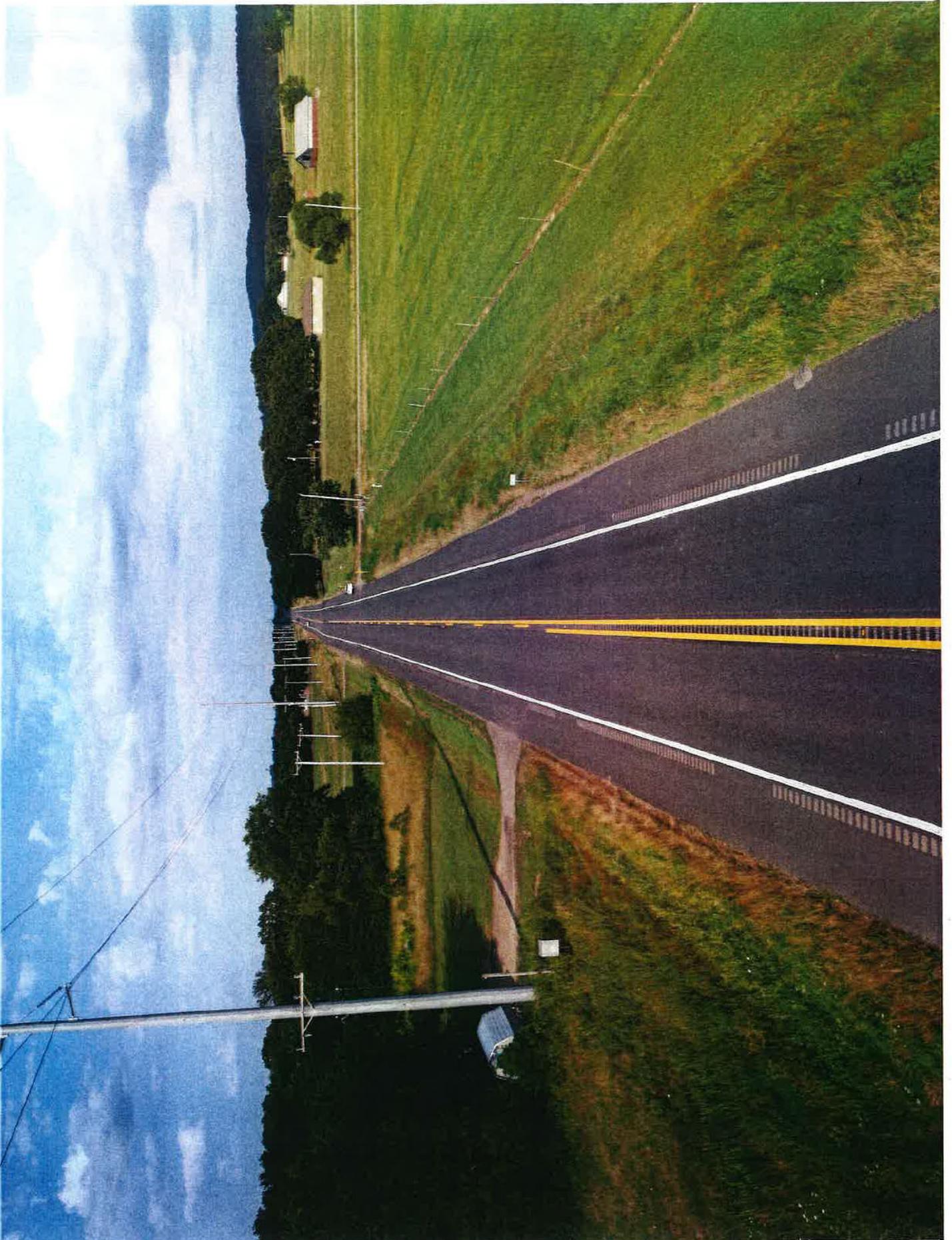


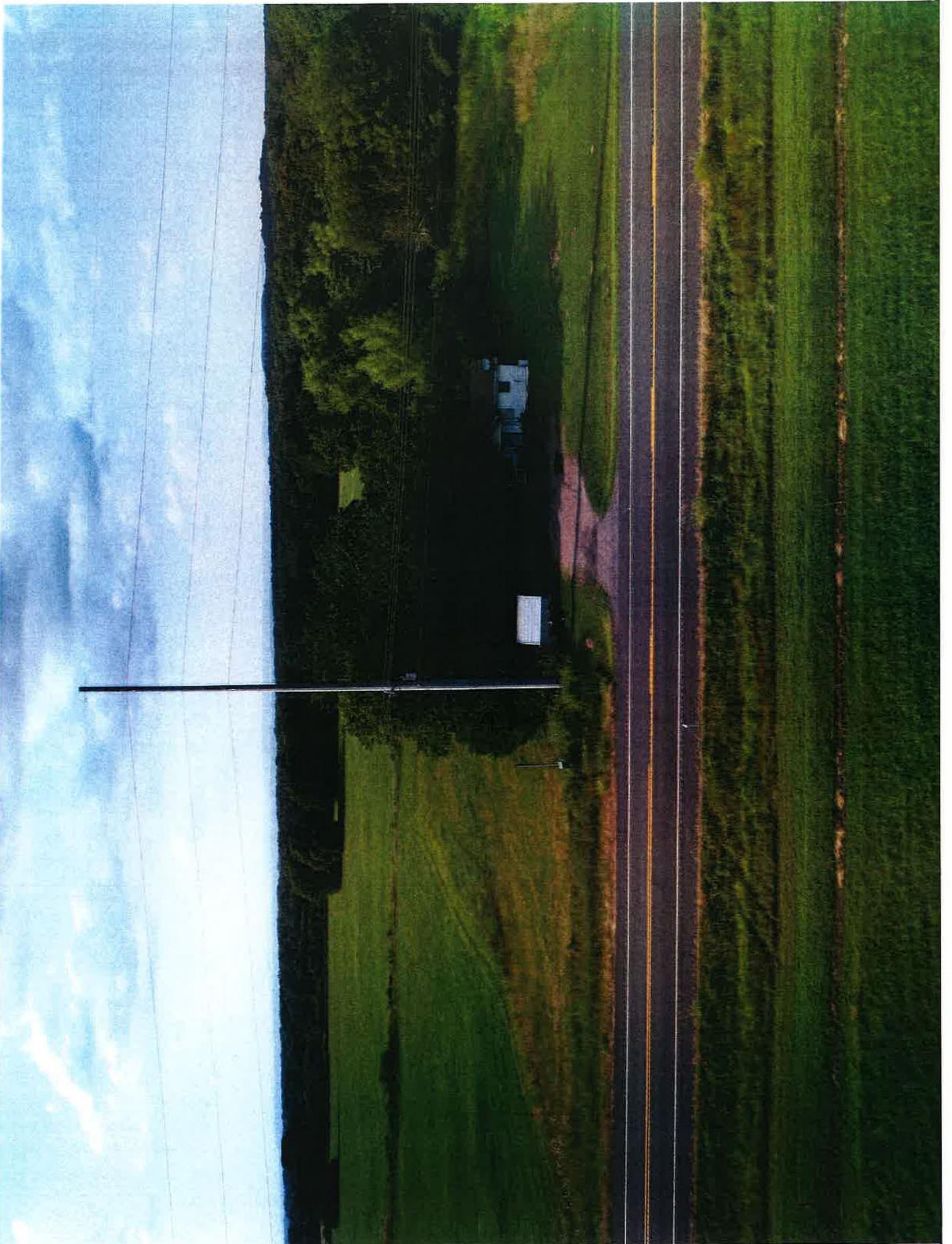












From: [Kathryn Irby](#)
To: [Jim Jackson](#); [Brent Gasper](#)
Cc: [Martha Cox](#); [Daiquiri Carter](#)
Subject: HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Wednesday, June 28, 2023 3:35:00 PM
Attachments: [Hudson v. DHS -- 230641 -- hearing ltr \(CI's MPSJ\).pdf](#)

Jim and Brent, please see attached hearing letter related to Jim's MPSJ.

Thanks,
Kathryn

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

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

June 28, 2023

Mr. Jim Jackson (via email)
Jackson Law Firm
700 W. Broadway Street, Suite 200
North Little Rock, Arkansas 72114

Mr. Brent P. Gasper (via email)
Arkansas Department of Human Services
Post Office Box 1437
Little Rock, Arkansas 72203

RE: ***Haley Hudson, individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Guardian of [REDACTED] v. Arkansas Department of Human Services***
Claim No. 230641

Dear Mr. Jackson and Mr. Gasper,

The Claims Commission has scheduled a hearing on Claimant's motion for partial summary judgment for **Wednesday, November 8, 2023**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed.

Sincerely,

Kathryn Irby

ES: kmirby

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

Topic: Claims Commission -- hearings

Time: Nov 8, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87626344312?pwd=UlkyR2xsc0h3VjZwaFhObHcrblgxUT09>

Meeting ID: 876 2634 4312

Passcode: dqD41S

One tap mobile

+13092053325,,87626344312#,,, *215282# US

+13126266799,,87626344312#,,, *215282# 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
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +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

Meeting ID: 876 2634 4312

Passcode: 215282

Find your local number: <https://us06web.zoom.us/u/kdERQd2ARa>

From: [Jim Jackson](#)
To: [Kathryn Irby](#); [Brent Gasper](#)
Cc: [Martha Cox](#); [Daiquiri Carter](#)
Subject: RE: HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Wednesday, June 28, 2023 3:38:20 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Received,
Thank you
Jim



Jim Jackson

Jackson Law Firm

JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114

P (501) 823-3610

F (501) 823-3611



From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Wednesday, June 28, 2023 3:36 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Jim and Brent, please see attached hearing letter related to Jim's MPSJ.

Thanks,
Kathryn

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

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

JUN 29 2023

RECEIVED

HALEY HUDSON, Individually and as
Special Administratrix of the Estate of
Jacqueline Lynn Ashcraft, deceased, and
HALEY HUDSON as Permanent Legal
Guardian of [REDACTED]
[REDACTED] Minor Children, Claimant

SUBPOENA

CLAIM NO. 230641

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES, Respondent

TO: CV's Family Foods
1004 East Walnut Street
Paris, Arkansas 72855

____ 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.

____ 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.

____ 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):

X 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 of objects):

All employee and personnel files for Jacqueline Ashcraft, [REDACTED]

May 10, 2023

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).



Office of Chief Counsel
Brent Gasper

P.O. Box 1437, Slot S-260 Little Rock, AR 72203-1437
501-320-8250 • Fax: 501-682-6720
brent.gasper@dhs.arkansas.gov



June 7, 2023

JUN 29 2023

RECEIVED

CV's Family Foods
Attn: Personnel
324 Stone Mountain Loop
Alma AR 72921-8518

RE: Jacqueline Ashcraft, DOB: [REDACTED]

To Whom It May Concern:

Please find attached a subpoena issued by the Arkansas State Claims Commission concerning employee and personnel files for Jacqueline Ashcraft.

I have attached a self-addressed stamped envelope for your convenience. If you do not have any records concerning Ms. Ashcraft, please contact Ms. Carter at 501-320-6338.

I appreciate your cooperation in this matter.

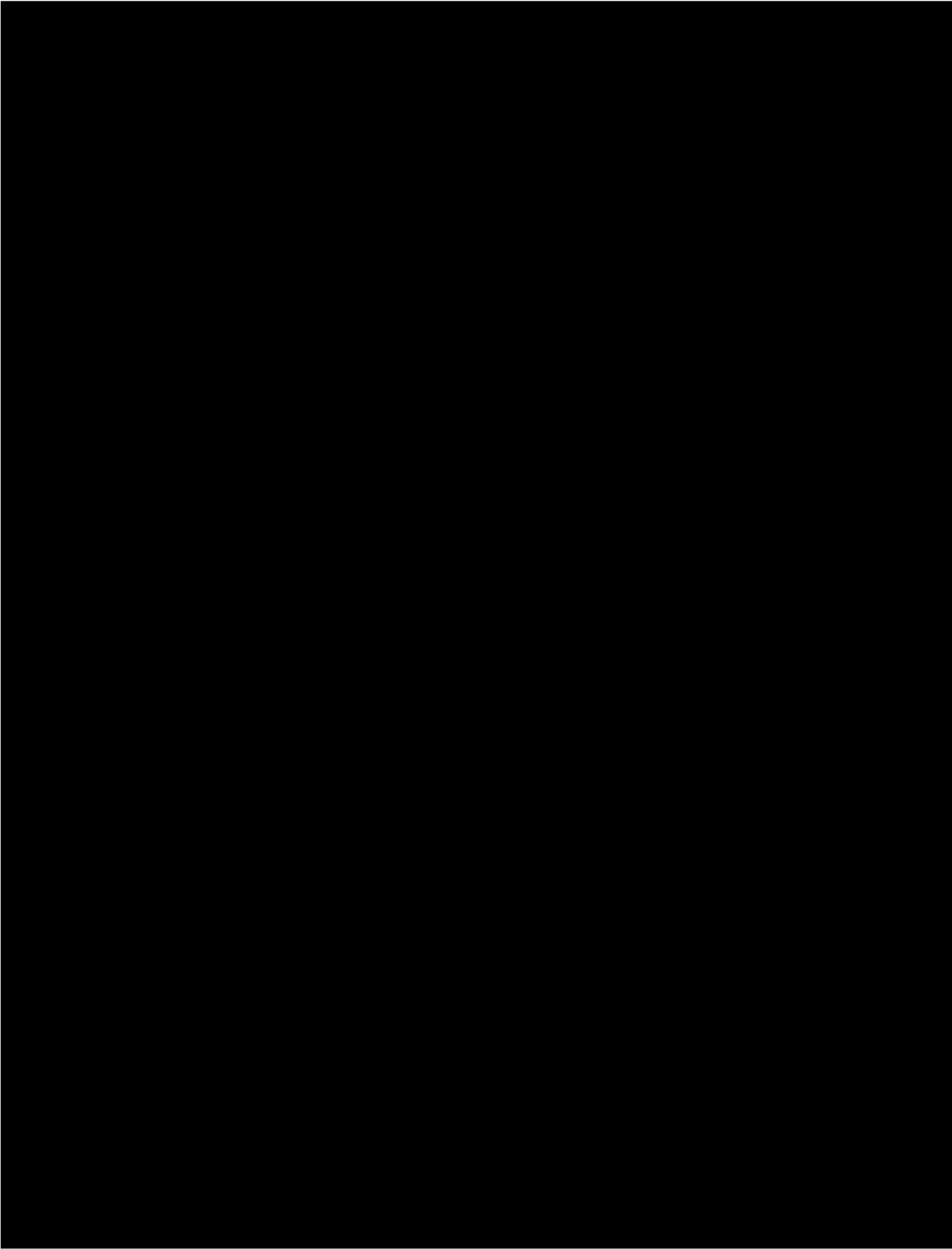
Sincerely,

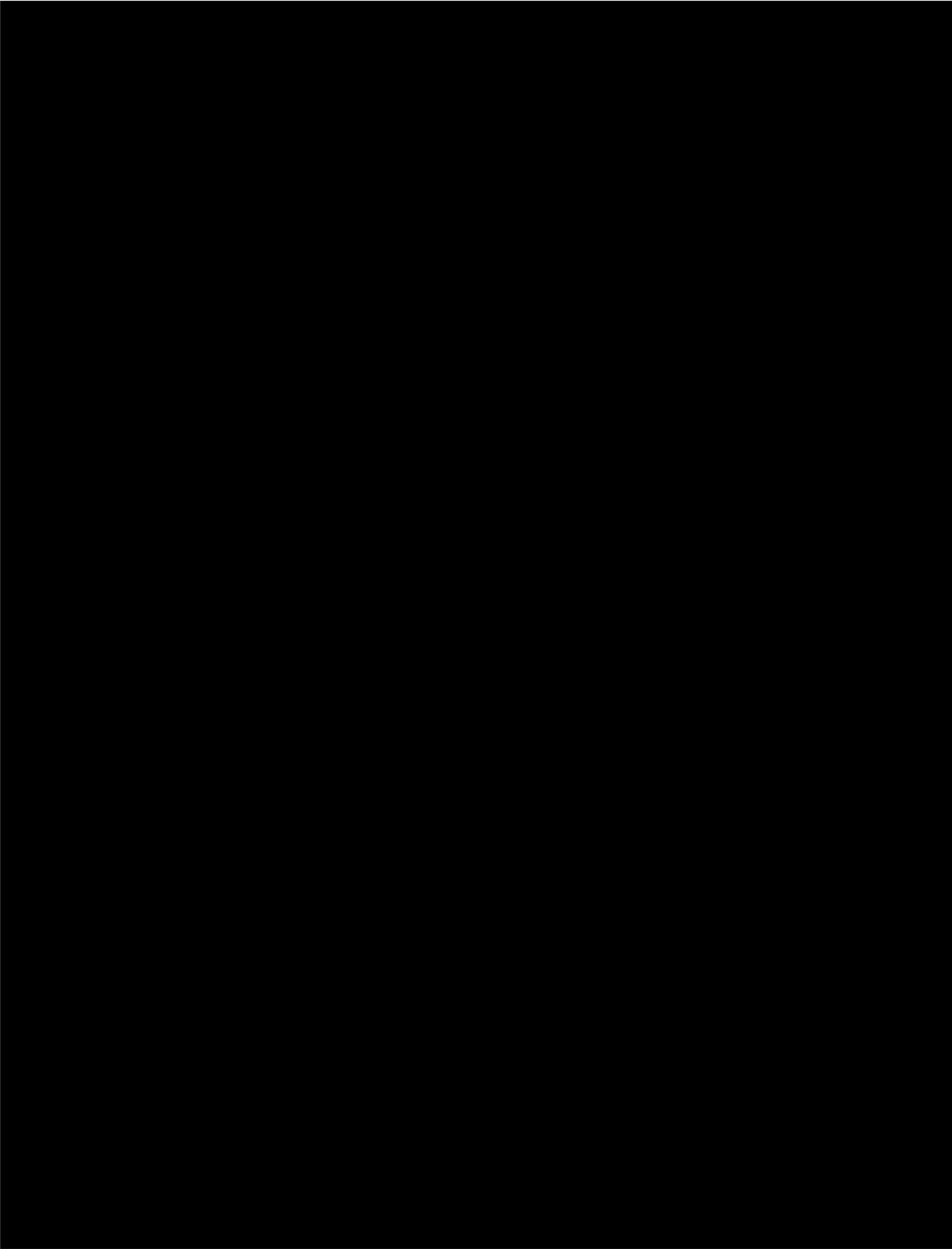
Brent Gasper

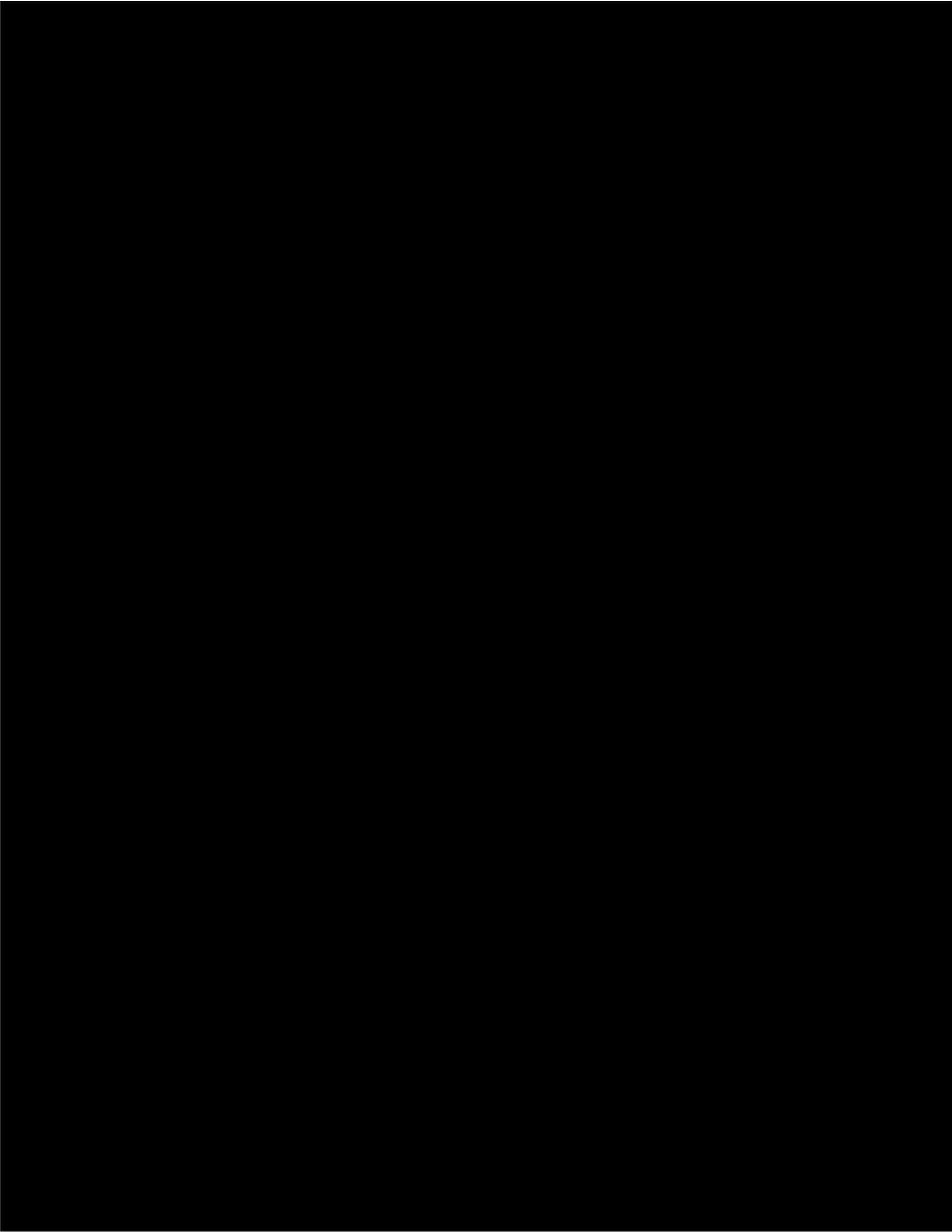
Brent Gasper
Deputy Director

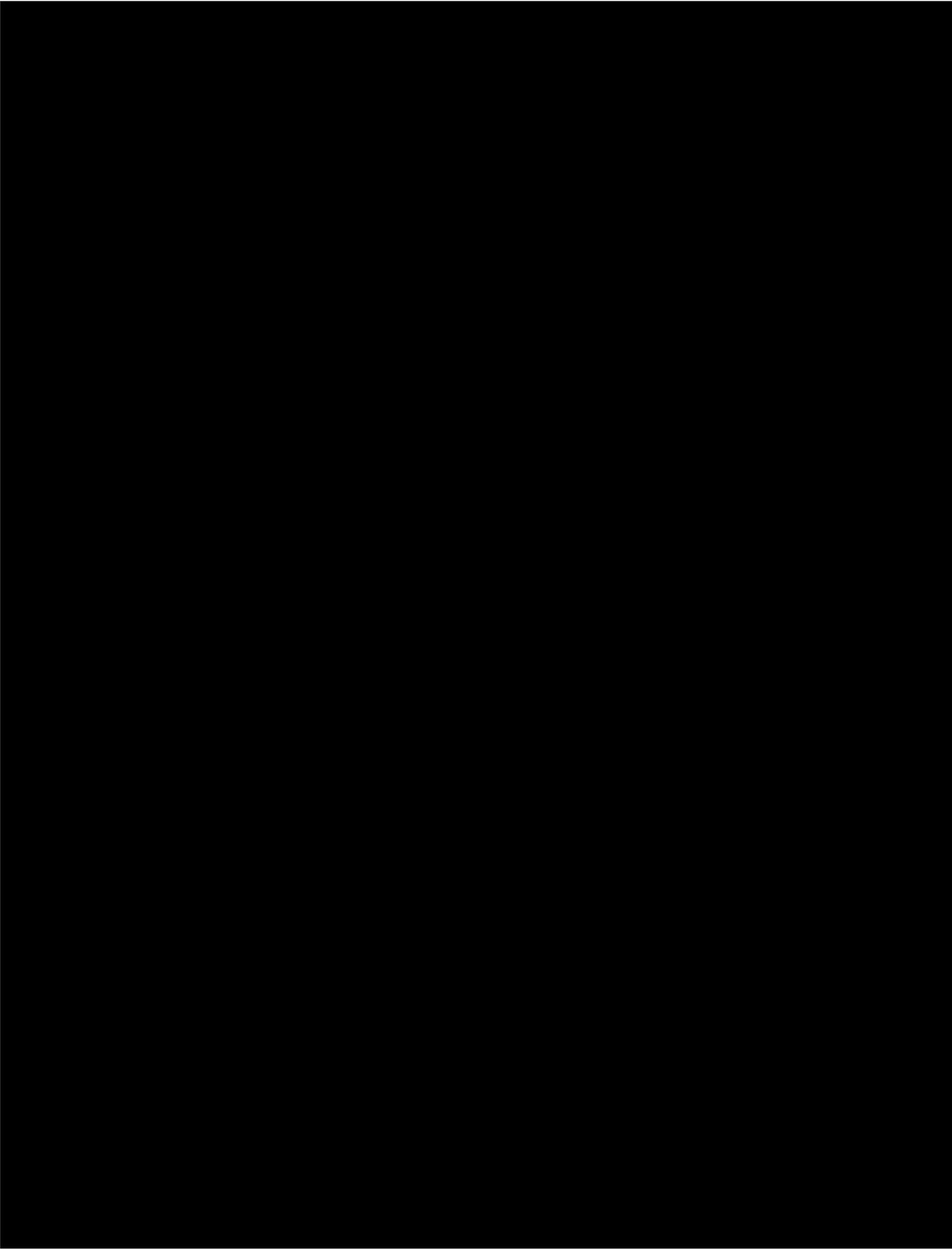
/ddc
Enclosure

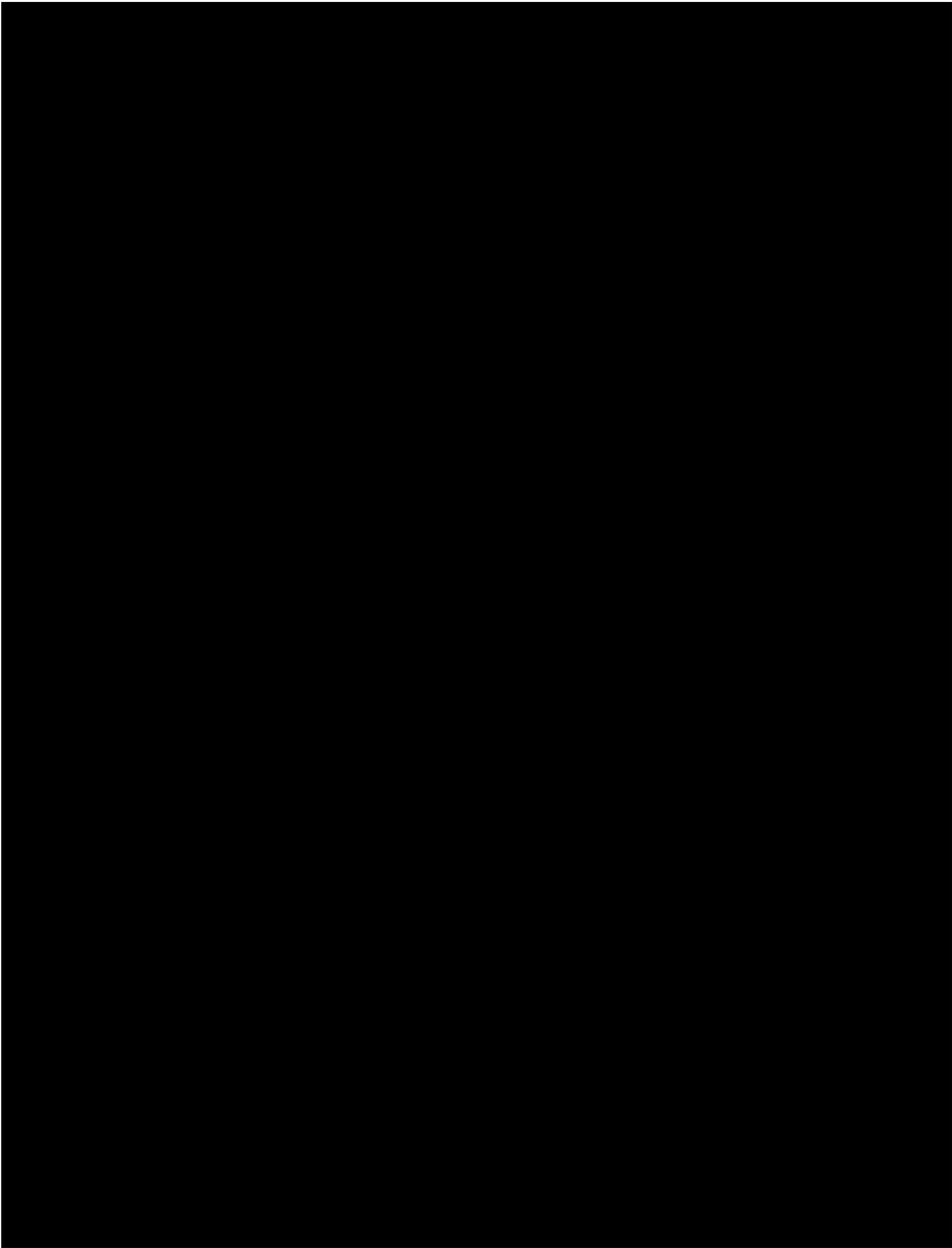
2019
2020

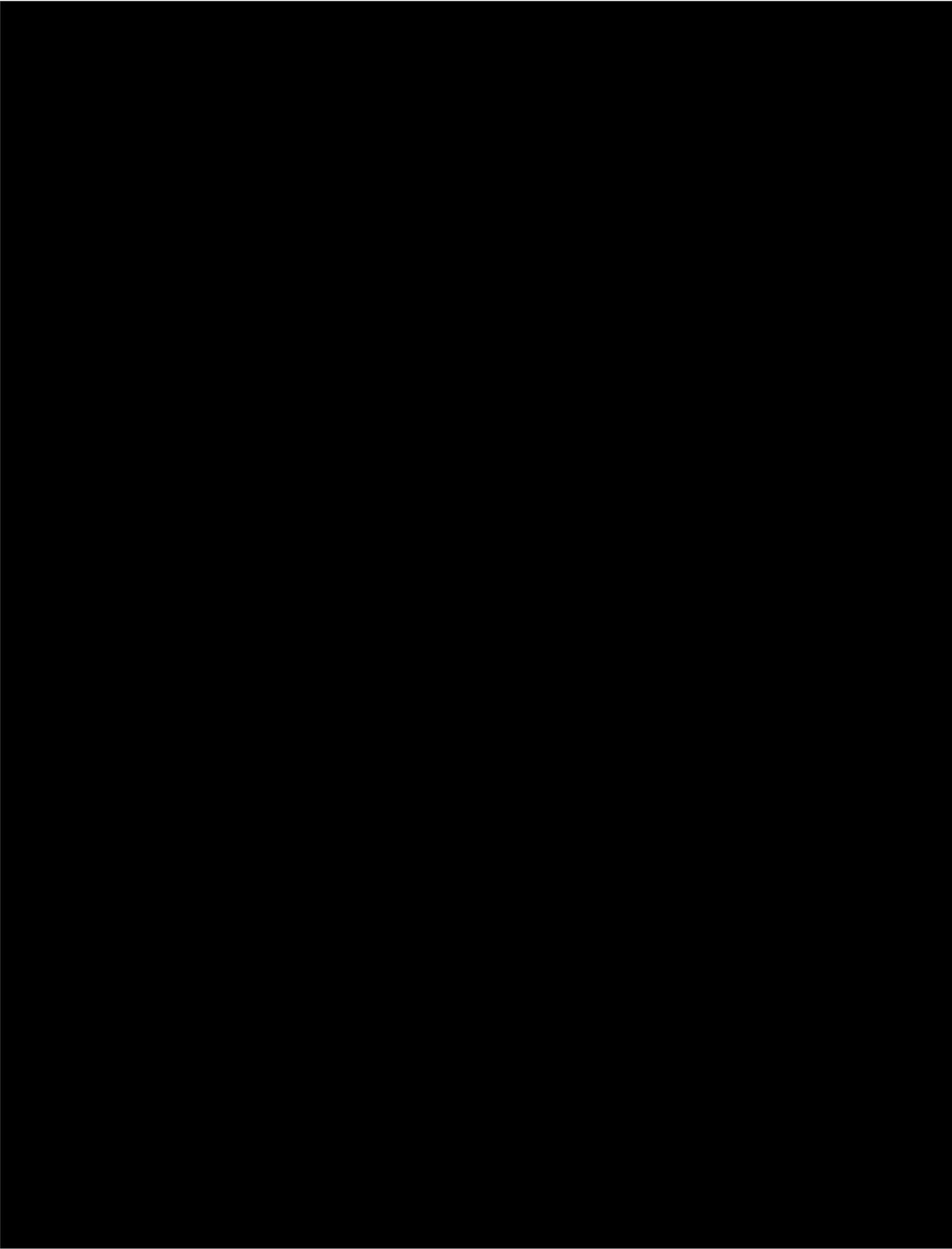


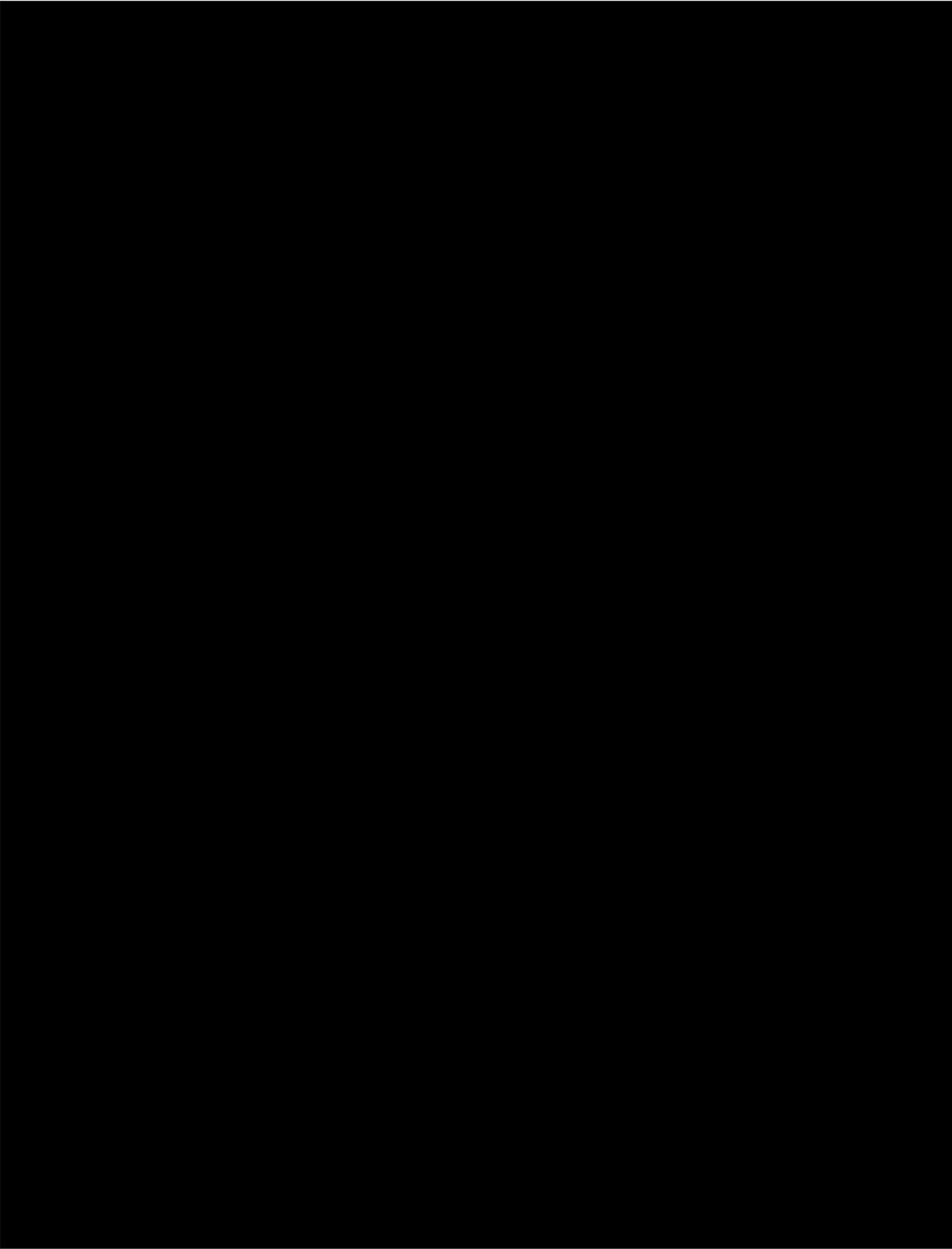


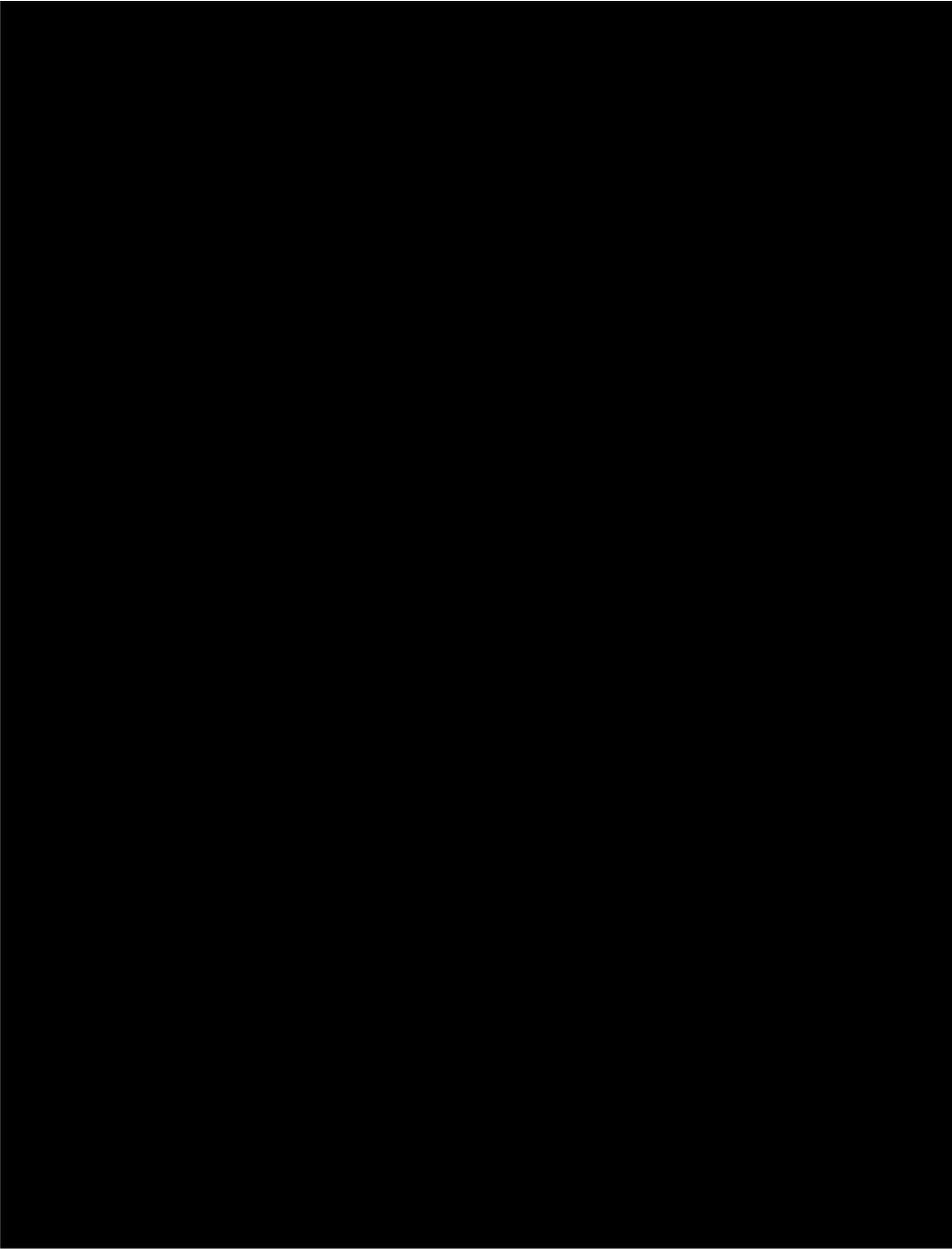


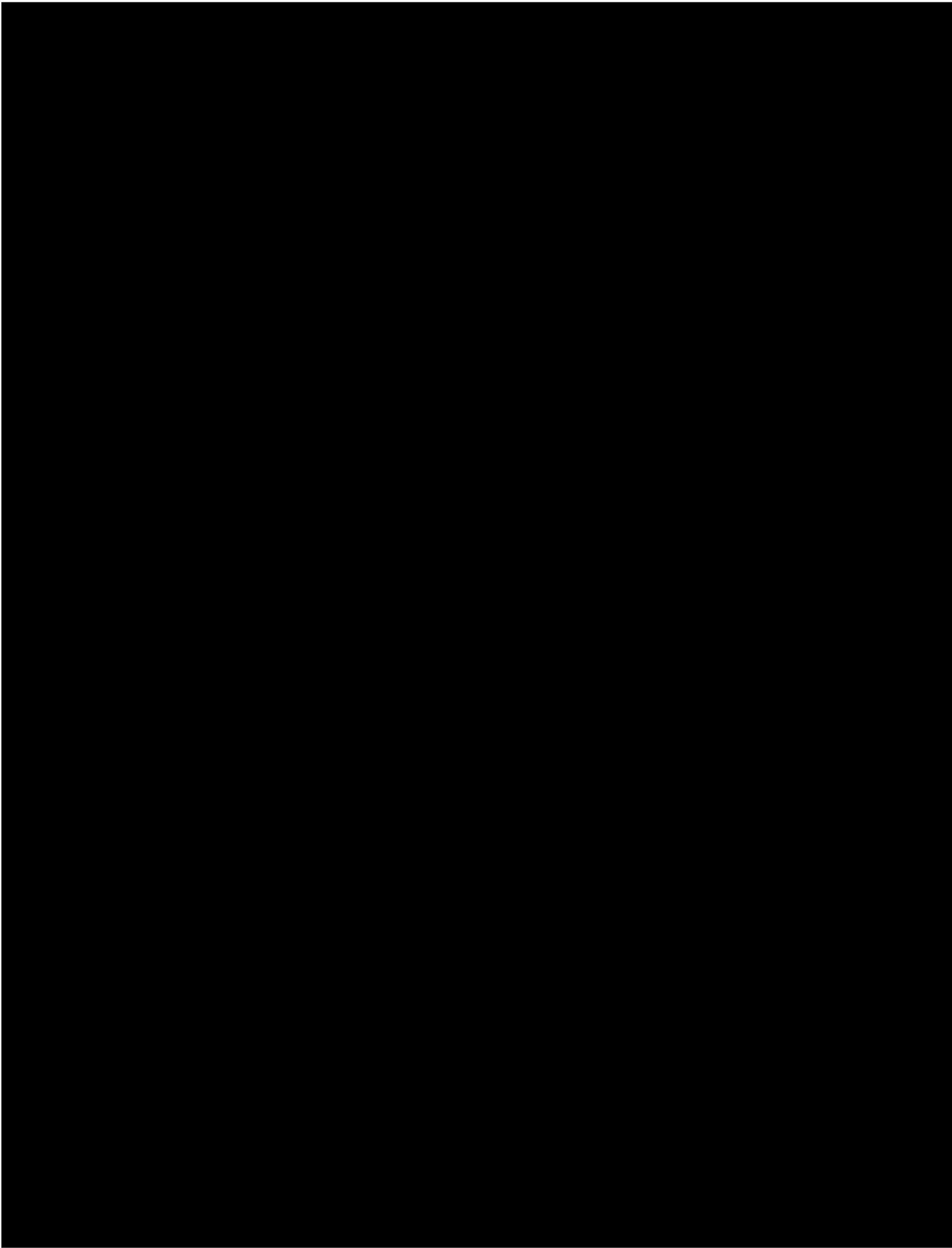


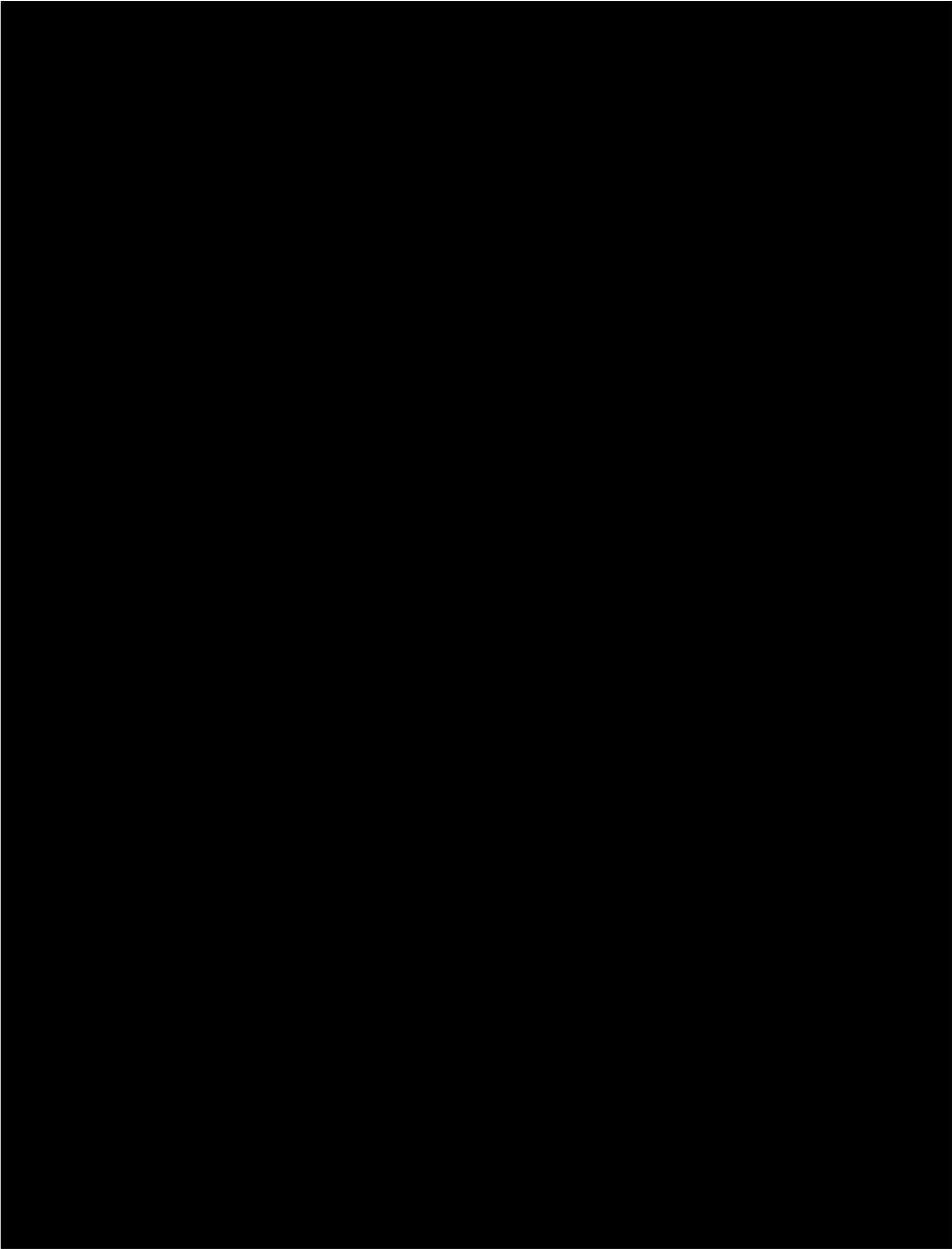


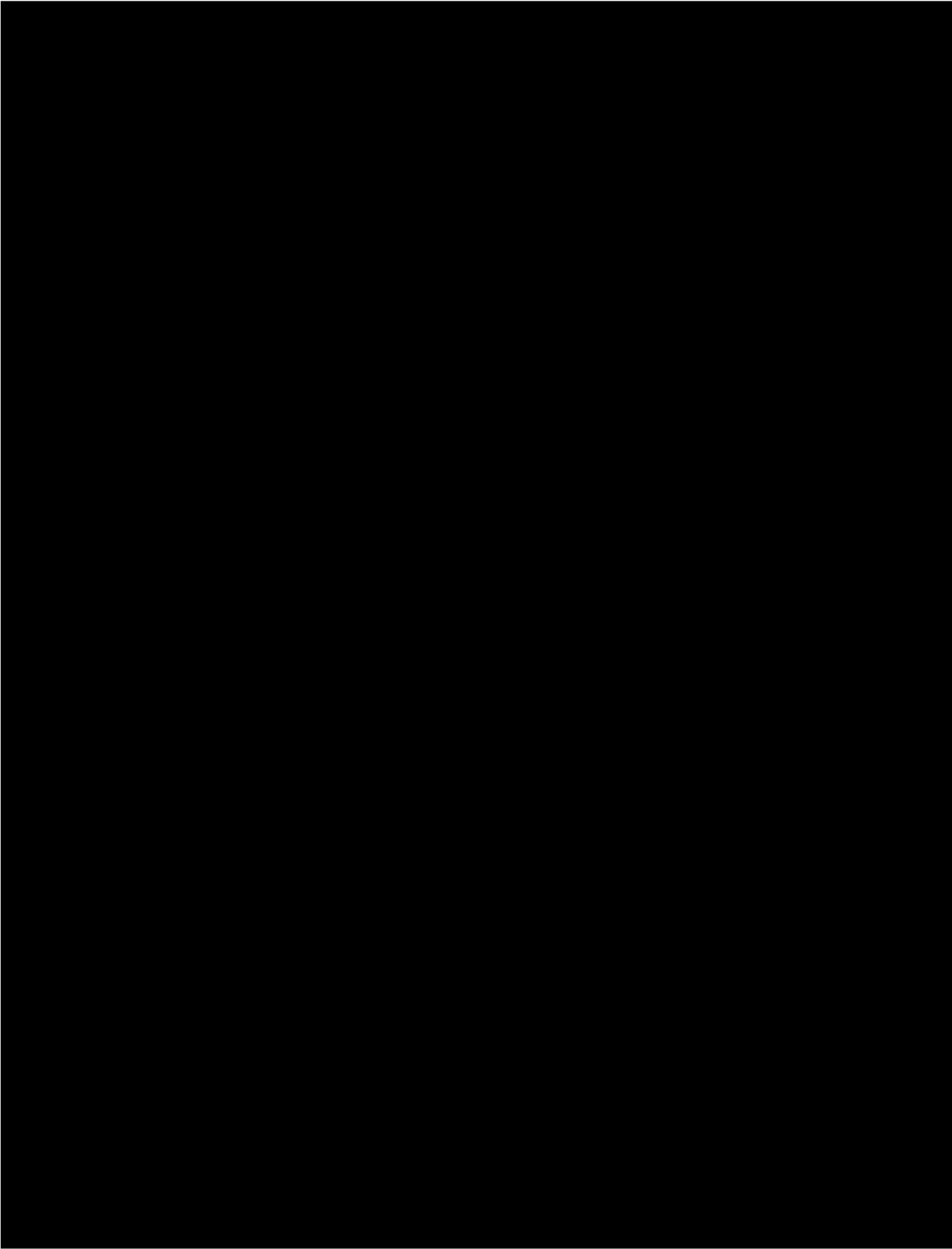


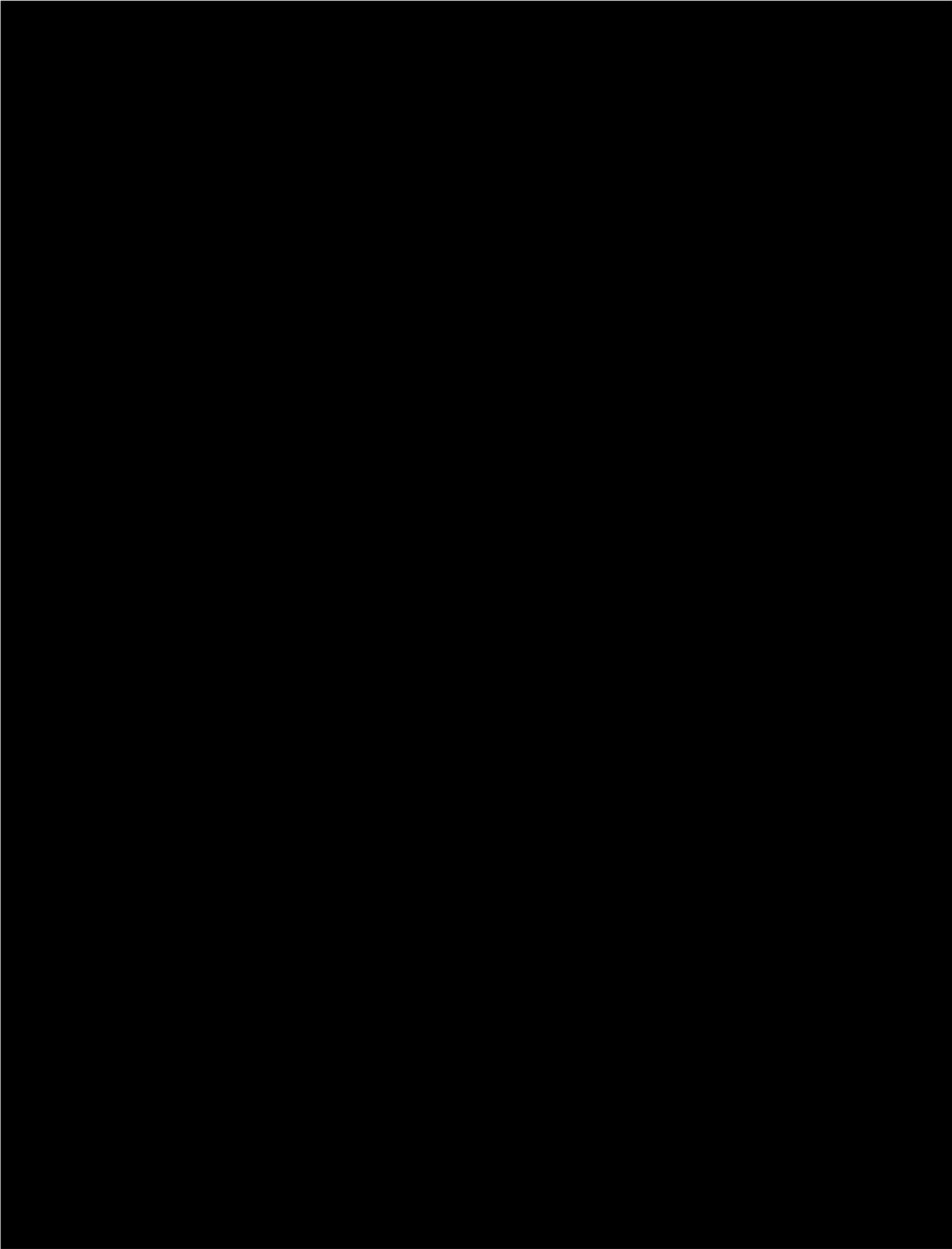


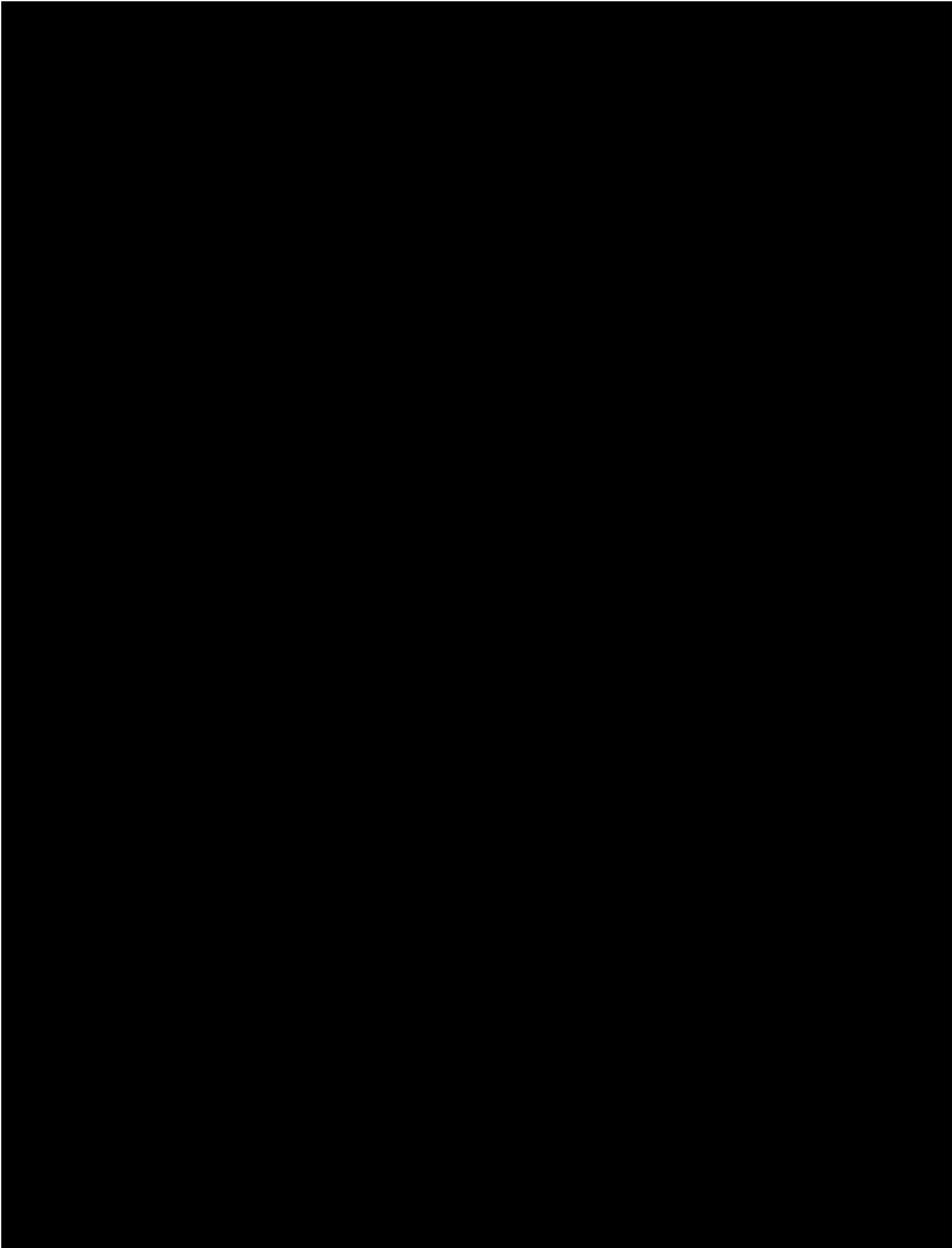


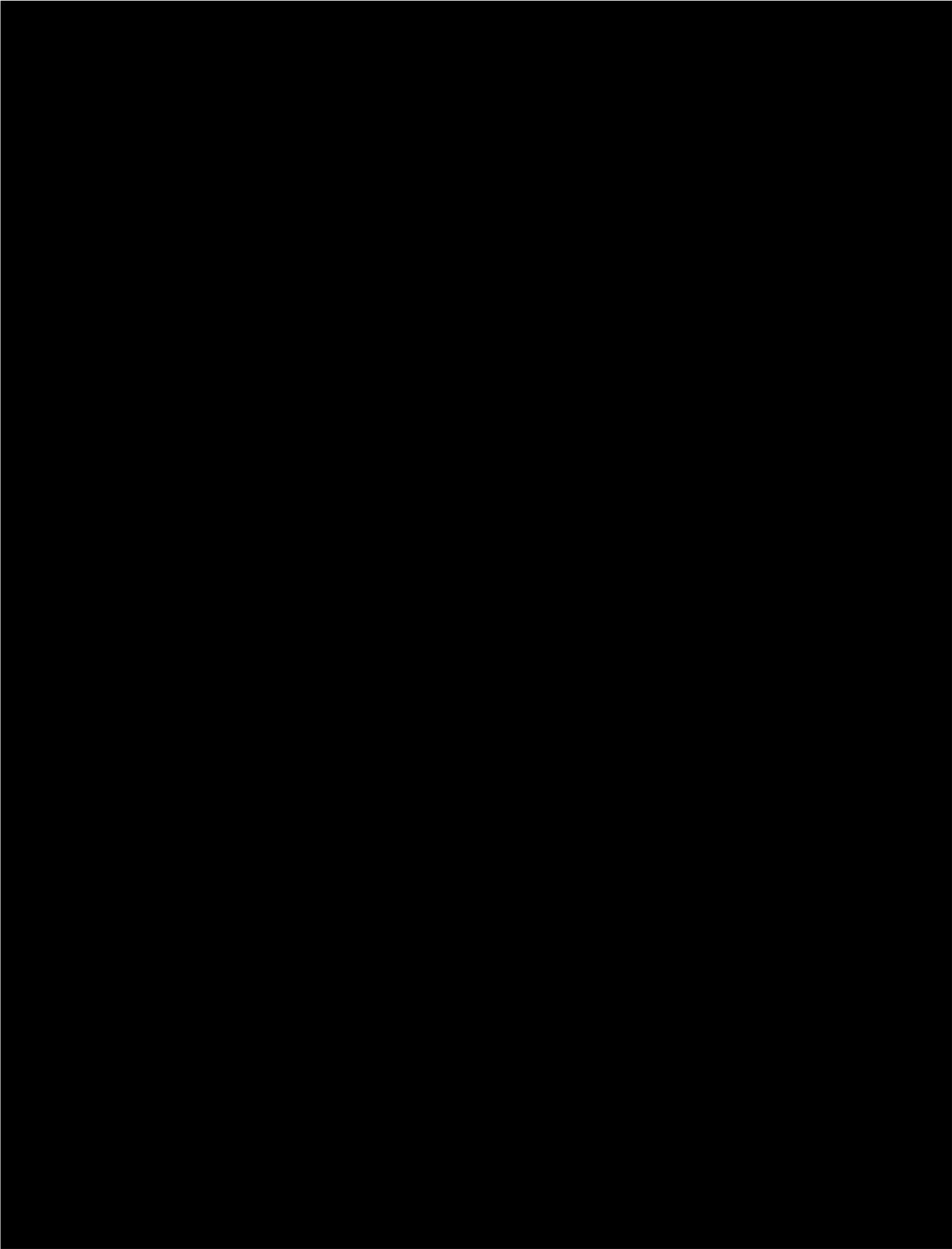


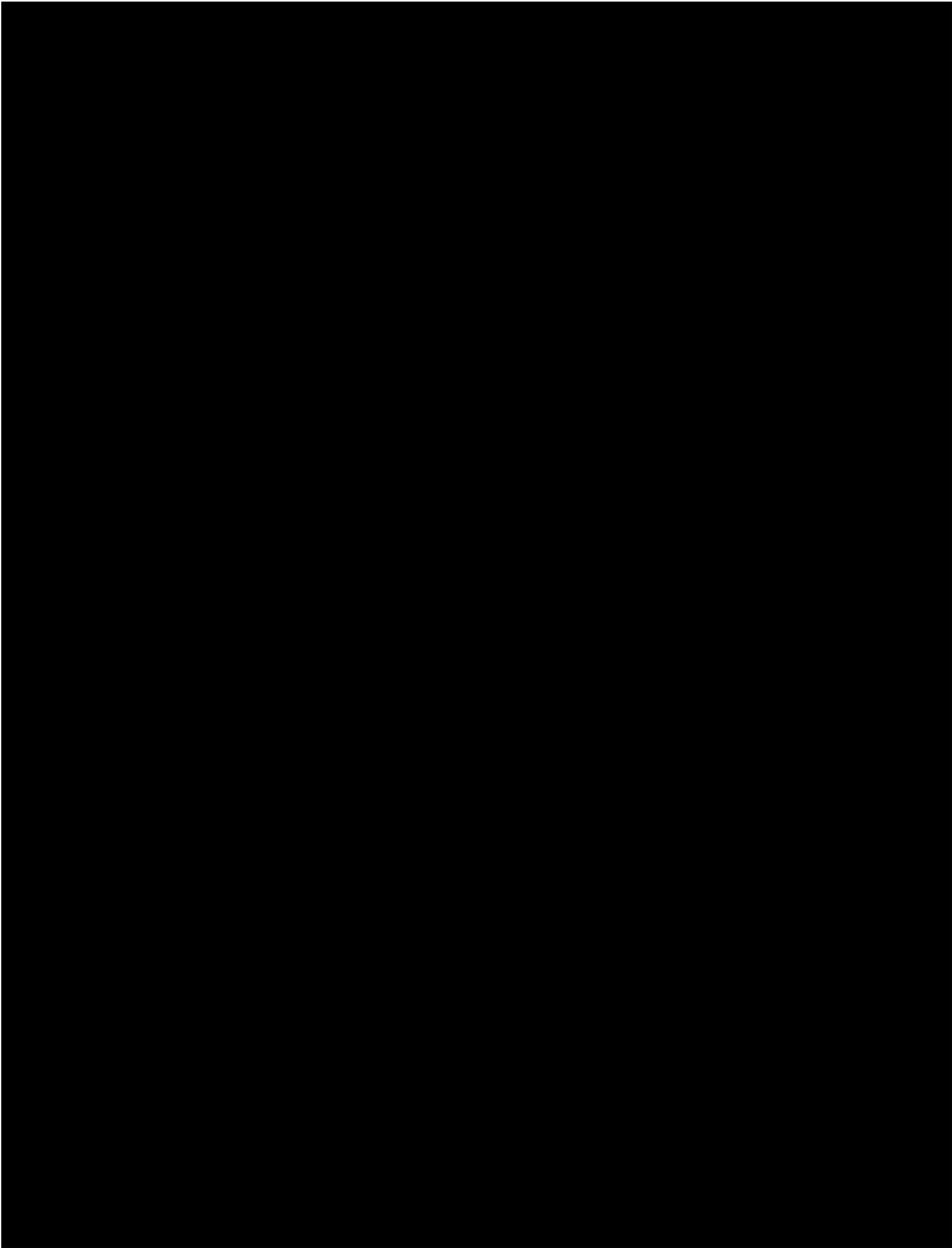


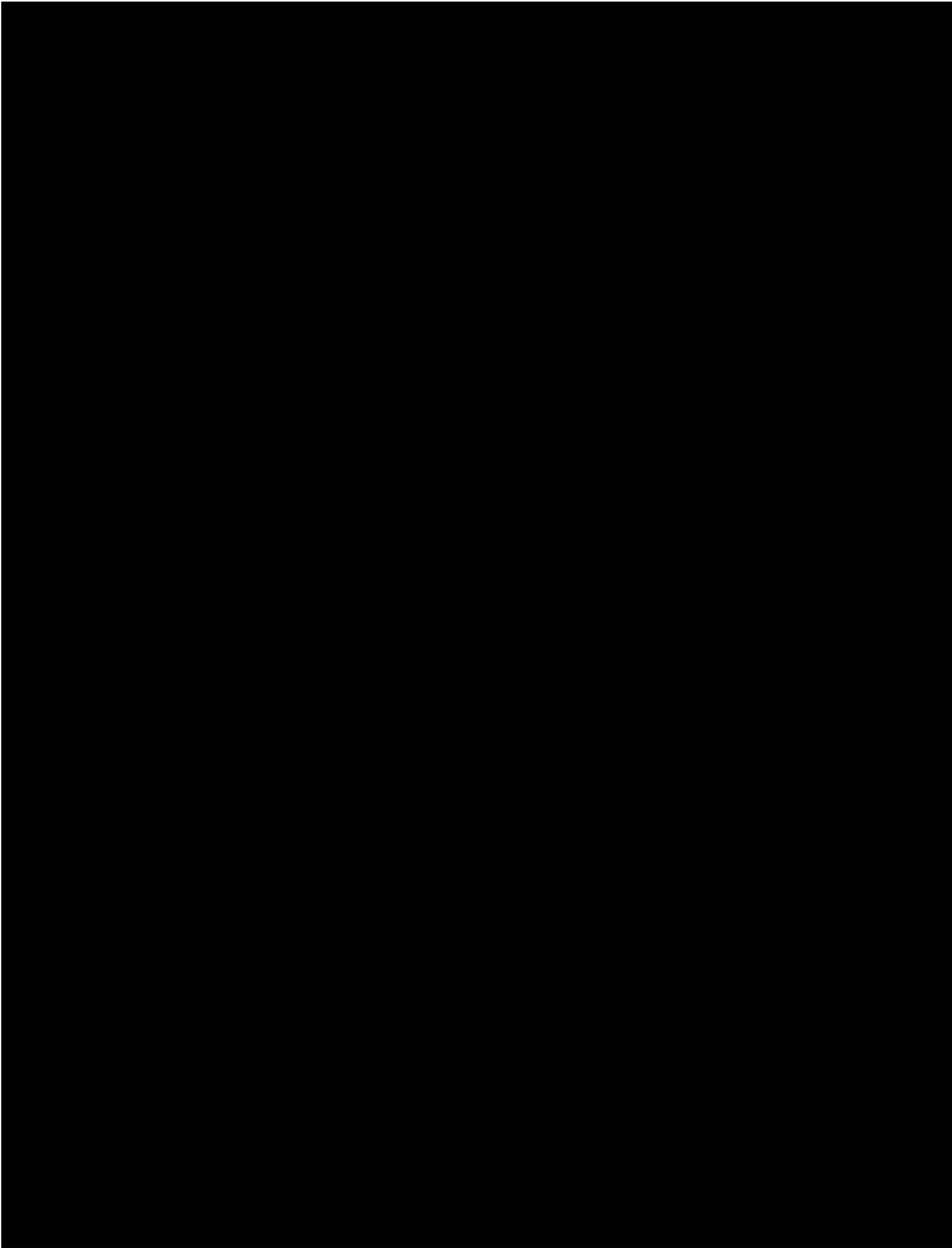












From: [Daiquiri Carter](#)
To: [ASCC Pleadings](#); jim@jimjacksonatty.com; [Martha Cox](#)
Cc: [Brent Gasper](#); [Daiquiri Carter](#)
Subject: CC # 230641
Date: Wednesday, July 5, 2023 3:22:31 PM
Attachments: [Respondent's Reply to Claimant's Response_001.pdf](#)
[image001.png](#)
[image002.png](#)

Please find enclosed Respondent’s Reply to Claimants’ Response to Respondent’s Motion to Sever and Motion to Hold in Abeyance. I have copied Claimant’s counsel on this email.

Thank you,

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



□ □ □

NOTE - This email may contain sensitive or confidential information.

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ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY,
HALEY HUDSON, SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JAQUELINE LYNN ASHCRAFT,
DECEASED, AND HALEY HUDSON, AS PERMANENT
LEGAL GUARDIAN OF [REDACTED]
[REDACTED] MINOR CHILDREN¹

CLAIMANTS

v.

CC No. 230641

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

RESPONDENT

RESPONDENT'S REPLY TO CLAIMANTS' RESPONSE TO
RESPONDENT'S MOTION TO SEVER AND MOTION TO
HOLD IN ABEYANCE

COMES NOW, the Respondent, the State of Arkansas, Department of Human Services, Office of Chief Counsel, by its attorney, Brent P. Gasper, Assistant Deputy Chief Counsel, and for its Reply to Claimants' Response to Respondent's Motion to Sever and Motion to Hold in Abeyance, states:

1. In their response to Respondent's Motion to Sever and Motion to Hold in Abeyance, Claimants maintain that the doctrine of "parental immunity" prohibits Claimant [REDACTED] from bringing an action in tort in the state courts against Claimant Estate of Jacqueline Ashcraft. Specifically, citing *Spears v. Spears*, 339 Ark. 162, 3 S.W.3d 691 (1999), Claimants argue that a parent is immune from a lawsuit brought by his or her child for unintentional injury but not for an intentional injury.

¹ Respondent acknowledges that Claimants have filed a motion to non-suit Haley Hudson, individually, and [REDACTED] individually, as Claimants in this case. However, until the Commission grants the motion Respondent will continue to use the original styling of the case.

2. What Claimants have not informed this Commission, however, is that *Spears* was decided on extremely tenuous grounds as the Arkansas Supreme Court discussed at length in 2002 in *Fields v. Southern Farm Bureau Casualty Insurance Company*, 350 Ark. 75, 87 S.W.3d 224 (2002). To wit:

[I]n 1999, this court stated that it planned to reexamine the parental-immunity doctrine, when the issue was appropriately developed. Spears v. Spears, 339 Ark. 162, 3 S.W.3d 691 (1999). Fields argues that in Spears, this court refused to entertain an argument to abolish the parental-immunity doctrine only because the appellant had failed to present an adequate argument on appeal. We did note in Spears that the appellant argued "in conclusory fashion, that thirty states have allowed suits against parents involving automobile accidents but cites no caselaw to support the conclusion and otherwise provides us with a paucity of cases to warrant changing our common law." Spears, 339 Ark. at 165-166, 3 S.W.3d at 693-694. Noting that "[w]e do not overrule our common law cavalierly or without giving considerable thought to the change," this court refused to consider the appellant's argument to do away with parental immunity. Id. at 166, 3 S.W.3d at 693-694. Finally, we observed in Spears that the appellant had failed to plead insurance coverage in the trial court which rendered this court unable to consider the issue on an appeal from a judgment on the pleadings. Id.

3. The *Fields* Court went on to examine the history of the doctrine of parental immunity in Arkansas², noting instances when the doctrine was either expanded or contracted when the Court was presented with various fact patterns. Notably, *having direct and immediate implications in this case*, was the 1982 case *Attwood v. Attwood's Estate*, 276 Ark. 230, 633 S.W.2d 366 (1982), where:

*[T]his Court held that the parental-immunity doctrine did not apply to a case where a **father became willfully and intentionally intoxicated and then drove a vehicle while intoxicated with his child as a passenger and injured that child.** We refused to apply the doctrine to those facts, and held*

² Historically, courts created and, in earlier years, upheld the doctrine of parental immunity as one that would further parental and familial harmony and tranquility, as well as "integrity and stability ... of the family unit." See *Rambo v. Rambo*, 195 Ark. 832, 114 S.W.2d 468 (1938) (first establishing the doctrine of parental immunity). Since that time, this view has since been continuously marginalized as more states refuse to recognize or outright abolish the doctrine.

that "it is clear that a willful tort is beyond the scope of the parental-immunity doctrine as it is applied in Arkansas." (emphasis added) (citations omitted)

4. Indeed, as a general proposition, the doctrine of parental immunity appears to increasingly be on less and less sound footing, both nationally and in the courts of Arkansas³. In a concurring opinion in the 1986 case, *Carpenter v. Bishop*, 290 Ark. 424, 720 S.W.2d 299 (1986), Justice George Rose Smith stated that the Restatement (Second) of Torts, § 895G, rejects the parental-immunity doctrine and then said that "[t]he doctrine of parental immunity still governs in Arkansas negligence law, but it takes little prophetic ability to realize that the doctrine's life expectancy is short." See *Fields, infra*, citing *Carpenter* (Rose, J., concurring)

5. The *Fields* Court ultimately eliminated the parental-immunity doctrine where the source of recovery is uninsured motorist benefits under a motor vehicle liability insurance policy. See *id.* Further, and perhaps more important for the purposes of the instant case, the Court reasoned:

[W]e are in agreement with the growing number of courts which have reached the following conclusion: when liability insurance exists, the domestic tranquility argument is, at best, hollow. Liability insurance impersonalizes the suit and negates the possible disruption of family harmony by easing the financial repercussions of the accident. In short, when insurance is involved, the action between parent and child is not truly adversary; both parties seek recovery from the insurance carrier to create a fund for the child's medical care and support without depleting the family's other assets.

We can readily understand how an action against a liability insurance carrier might ease the financial crunch caused by a car accident rather than becoming a source of family disharmony.

...

³ Even in 2002, the doctrine was becoming more and more disfavored, with eleven (11) states eliminating the doctrine, four (4) states where the doctrine was never adopted, and twenty (21) states carving out an exception for negligent operation of a motor vehicle where liability insurance is involved. See *Fields, infra*.

[Finally] ... we are not convinced that the traditional policy reasons sustaining parental immunity are persuasive when the party with the true economic interest at stake is the liability carrier.

6. The *Fields* Court's holding was further expanded as recently as 2021, when the Arkansas Supreme Court created an additional exception to the doctrine of parental immunity that applies when a party files a direct-action suit against an insurance carrier for underinsured-motorist coverage and when insurance benefits are the damages requested. See *Tomey v. Southern Farm Bureau Casualty Insurance Company*, 2021 Ark. 62, 619 S.W. 3d 25 (2021).

7. Moreover, the *Tomey* Court stated:

*Further, we see no meaningful distinction between underinsured coverage and uninsured coverage for the purpose of parental immunity. True, the two coverages have different applications — uninsured coverage applies when the tortfeasor has no insurance while underinsured coverage applies when the tortfeasor's policy fails to fully compensate the injured party. See *Clampit v. State Farm Mut. Auto. Ins. Co.*, 309 Ark. 107, 109-10, 828 S.W.2d 593, 595 (1992). But this distinction does not affect the policy underlying the parental-immunity doctrine.*

8. Clearly, given the decisions by the Arkansas Supreme Court and those holdings applied to the facts of the instant case, the doctrine of parental immunity does not govern or apply here. As the Respondent has argued in its Motion to Sever and in other pleadings, Jacqueline Ashcraft was operating a motor vehicle under the influence of several controlled substances. The record to this point clearly proves this fact as evidenced by the postmortem drug screen of Jacqueline Ashcraft. In doing so she engaged in not only negligent behavior but *wanton* behavior by driving a vehicle containing three (3) minor children at the time she was intoxicated and then causing an accident that injured [REDACTED]. It is this *exact scenario* that the Arkansas Supreme Court addressed in *Attwood, supra*, where the Court held that the doctrine of parental

immunity did not apply. The more recent cases of *Fields*⁴ and *Tomey*⁵ involve negligent operation of motor vehicles in a manner not as “bad” as those in *Attwood* (i.e. no DWI involved) and the Court *still* believed they were worthy of an exception to the doctrine. Just like those cases, *this case* is ripe for litigation in the state courts of Arkansas as the doctrine of parental immunity would be inapplicable should Claimant [REDACTED] choose to pursue a cause of action against the Estate of Jacqueline Ashcraft. Such a claim could result in a *significant* award of damages⁶.

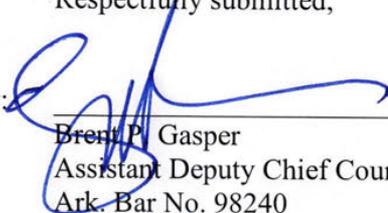
⁴ “On January 10, 1997, [Stephen Hunter Fields] was riding in an automobile with his mother when they were injured in a single-car accident. According to the motor vehicle accident report, Cheryl [Fields] lost control of her 1990 Ford Van during heavy snowfall while traveling westbound on Interstate 40 just outside of Russellville. Her van spun counter-clockwise once, went off the road and into the median, and tumbled down a steep embankment, rolling three times before coming to rest. According to the complaint, [Stephen Hunter Fields] was thrown from the vehicle and severely injured. He suffered a broken right femur and numerous bruises and contusions over his entire body. As a result of the accident, he now suffers from “residual leg length discrepancy,” which presumably means that his right leg after the accident was shorter than his left leg. He suffered extreme pain throughout his recovery, according to the complaint, including nightmares and restlessness. It is undisputed that Cheryl [Fields] was driving her van negligently at the time of her accident.” *Fields, supra*.

⁵ “In April 2016, Christina Buchanan crashed a Dodge Grand Caravan, killing herself and severely injuring her daughter, Nova, who was a passenger.” *Tomey, supra*.

⁶ Claimants argue that Jacqueline Ashcraft was not intoxicated at the time she caused the accident at issue. While Respondent disagrees with this contention, the fact remains that this disputed fact would be one that would be *raised and litigated in state court in any case between the Claimants*. This Commission does not have the jurisdiction to decide factual matters in a dispute between Claimant Jacqueline Ashcraft and Claimant [REDACTED] and therefore should not factor that question into any reasoning or decision as to whether or not a state court case between the Claimants is meritorious. Only a state court would be in such a position. Further, the *Tomey* Court held that mere negligence was enough to eliminate parental immunity, so even if this Commission agrees with Claimants that Jacqueline Ashcraft was somehow *not* driving while intoxicated, her simple negligence in pulling out into traffic from the shoulder of the road alone would suffice to defeat the doctrine.

9. Due to the foregoing, this Commission should SEVER the instant cases and HOLD THE PROCEEDINGS HERE IN ABEYANCE until the resolution between the two Claimants herein is resolved in the state courts.

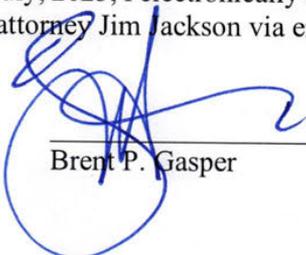
Respectfully submitted,

By: 
Brent P. Gasper
Assistant Deputy Chief Counsel
Ark. Bar No. 98240

Arkansas Department of Human Services
Office of Chief Counsel
P.O. Box 1437
Little Rock, AR 72203
Phone (501) 320-8950
Brent.Gasper@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent Gasper, hereby certify that on 5 July, 2023, I electronically filed the foregoing with the Claims Commission and copied Claimants' attorney Jim Jackson via email.


Brent P. Gasper

From: [Daiquiri Carter](#)
To: [ASCC Pleadings](#); jim@jimjacksonatty.com; [Martha Cox](#)
Cc: [Brent Gasper](#); [Daiquiri Carter](#)
Subject: CC # 230641
Date: Thursday, July 6, 2023 3:25:42 PM
Attachments: [Respondent's Reply to Claimants' Response to Motion to Strike_001.pdf](#)
[image001.png](#)
[image002.png](#)

Please find attached Respondent’s Reply to Claimants’ Response to Respondent’s Motion to Strike. I have copied Claimants’ attorney on this email.

Thank you,

Daiquiri D. Carter, M.Ed.
 Legal Services Specialist
 Office of Chief Counsel
 PO Box 1437, Slot S260
 Little Rock, AR 72203-1437
 501-320-6338 phone
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□ □ □

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ARKANSAS STATE CLAIMS COMMISSION

**HALEY HUDSON, INDIVIDUALLY,
HALEY HUDSON, SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JAQUELINE LYNN ASHCRAFT,
DECEASED, AND HALEY HUDSON, AS PERMANENT
LEGAL GUARDIAN OF**

MINOR CHILDREN¹

CLAIMANTS

v.

CC No. 230641

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

**RESPONDENT'S REPLY TO CLAIMANTS' RESPONSE TO
RESPONDENT'S MOTION TO STRIKE**

COMES NOW, the Respondent, the State of Arkansas, Department of Human Services, Office of Chief Counsel, by its attorney, Brent P. Gasper, Assistant Deputy Chief Counsel, and for its Reply to Claimants' Response to Respondent's Motion to Strike, states:

1. In response to Respondent's Motion to Strike, Claimants informed this Commission that a motion to strike is not a recognized or valid motion under the Rules of Civil Procedure when responding to a motion for summary judgment and therefore is not proper herein. The appellate courts of Arkansas disagree. See *Trujillo v. TK Martial Arts Academy*, 2015 Ark. App. 606, 474 S.W.3d 519 (Ark. Ct. App. 2015) (Motions to strike filed in response to motion for summary judgment.); *Anderson-Tulley v. Vaden*, 2018 Ark. App. 484, 562 S.W.3d 249 (Ark. Ct. App. 2018) (Motion to strike filed in response to a motion for summary judgment.); see also *Allen v. Greenland*, 347 Ark. 465, 65 S.W.3d 424 (2002) ("We affirm appellee Greenland's motion to strike amendment to answer."); *Orr v. Hudson*, 2010 Ark. 484, 374 S.W.3d 686 (2010) ("In

¹ Respondent acknowledges that Claimants have filed a motion to non-suit Haley Hudson, individually, and [REDACTED] individually, as Claimants in this case. However, until the Commission grants the motion Respondent will continue to use the original styling of the case.

reviewing the denial of a motion to strike, this court has used an abuse-of-discretion standard of review.”); *Rodgers v. McRaven's Cherry Pickers, Inc.*, 302 Ark. 140, 788 S.W.2d 227 (1990) (“Here, our review of the record reveals that Orr filed her responses to the doctors' motion to dismiss and amended motion to dismiss well before filing her motion to strike ... Accordingly, we cannot say that the circuit court abused its discretion in denying Orr's motion to strike.”); *Pippinger v. Benson*, 2011 Ark. 535, 385 S.W.3d 266 (2011) (“In reviewing the denial of a motion to strike, this court has used an abuse-of-discretion standard of review.”); *Milner v. Luttrell*, 2011 Ark. App. 297, 384 S.W.3d 1 (Ark Ct. App. 2011) (“[T]he denial of a motion to strike will not be reversed absent an abuse of discretion.”)

2. Further, that the Claimants have procured the services of an accident reconstruction expert is all the evidence this Commission needs to see through the premature and somewhat disingenuous claim that there are no genuine issues of material fact in dispute. If this were truly the case, Claimants would not have needed much less even considered employing an expert to support their claim that Jennifer Wilkerson was completely at fault in the accident if they believed fault and liability were already foregone conclusions based upon all available evidence. Indeed, the Motion for Summary Judgment was filed *before the accident reconstruction report was even completed!* Claimants were still “working their case” to prove Respondent’s negligence even after they had filed a pleading flatly stating that fault and liability was an open and shut case. If this fact alone does not show that the Motion for Summary Judgment is premature, Respondent is at a loss as to what else could do so.

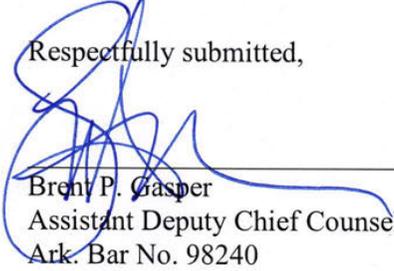
3. This matter is set for a hearing on November 8, continued to this date at the last possible moment before Respondent’s Response to the Motion for Summary Judgment was due. Respondent extends its gratitude to the Commission and its Director for accommodating its last-

minute plea to have this matter continued. That being said, the Motion for Summary Judgment should still be *stricken in its entirety* and the Commission should do so at its earliest possible convenience so the parties may move ahead on this case without the November 8 hearing still pending. Nothing prevents Claimants from filing a subsequent motion for summary judgment down the road after the discovery in this case is complete. But for now, this matter should be disposed of and set aside.

4. Due to the foregoing, Respondent moves that this Commission STRIKE Claimants' Motion for Summary Judgment for these reasons and the reasons set forth in Respondent's original motion.

Respectfully submitted,

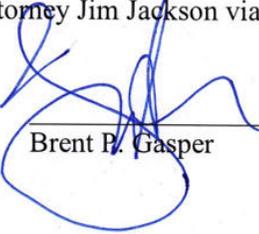
By:


 Brent P. Gasper
 Assistant Deputy Chief Counsel
 Ark. Bar No. 98240

Arkansas Department of Human Services
 Office of Chief Counsel
 P.O. Box 1437
 Little Rock, AR 72203
 Phone (501) 320-8950
 Brent.Gasper@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent Gasper, hereby certify that on 6 July, 2023, I electronically filed the foregoing with the Claims Commission and copied Claimants' attorney Jim Jackson via email.


 Brent P. Gasper

From: [Martha Cox](#)
To: [ASCC Pleadings](#); [Kathryn Irby](#)
Cc: [Daiquiri Carter](#); [Jim Jackson](#); [Brent Gasper](#)
Subject: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED] Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident
Date: Monday, July 10, 2023 12:33:11 PM
Attachments: [Claimant's Sur-Response to Respondent's Motion to Sever and Motion to Hold in Abeyance 7-10-2023.pdf](#)

Please see attached the claimant's Sur-Response to Respondent's Motion to Sever and Motion to Hold in Abeyance. The original and three copies of the Sur-Response are being mailed to the Commission today.

Thanks.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com



July 10, 2023

VIA Email and First Class Mail
 ASCCPleadings@arkansas.gov
 Kathryn.Irby@arkansas.gov

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline
 Lynn Ashcraft, deceased and Permanent Guardian of
 [REDACTED] a minor vs. The Arkansas Department of Human Services*
 Arkansas State Claims Commission No. 230641
 Incident Date: 6/11/2021 - Logan County

Dear Kathryn:

Please find enclosed the original and three copies of the claimant's Sur-Response to Respondent's Motion to Sever and Motion to Hold in Abeyance for filing in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,

Jim R. Jackson

JRJ/mc
 Enclosures

cc/enc.: Brent Gasper, Esq. (via e-mail only)

JIM JACKSON // Attorney at Law

700 W. Broadway Street; Suite 200
 North Little Rock, AR 72114-5528

501.823.3610
 Fax: 501.823.3611

Jim@JimJacksonAtty.com

www.JimJacksonAtty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, AS SPECIAL ADMINISTRATRIX
OF THE ESTATE OF JACQUELINE LYNN
ASHCRAFT, DECEASED, AND HALEY HUDSON AS
PERMANENT LEGAL GUARDIAN OF [REDACTED]
[REDACTED] a minor

CLAIMANT

v.

CC No. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES

RESPONDENT

**CLAIMANT'S SUR-RESPONSE TO RESPONDENT'S
MOTION TO SEVER AND MOTION TO HOLD IN ABEYANCE**

Comes now Haley Hudson, as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Permanent Legal Guardian of [REDACTED] [REDACTED] a minor, by and through her attorney, Jim Jackson, and for her Sur-Response to the respondent's Motion to Sever and Motion to Hold in Abeyance, states:

1. Justice Woods' opening sentence of the Arkansas Supreme Court's 2021 decision in *Tomey* affirmed that the long-standing parental-immunity doctrine is still the law with only three exceptions. "The parental-immunity doctrine bars unemancipated minors from suing their parents for involuntary torts." *Tomey v. So. Farm Bureau Cas. Ins. Co.*, 2021 Ark. 62, 619 S.W.3d 25 (Ark. 2021). (Attached as Exhibit 1 is a copy of the *Tomey* decision).

The three exceptions that apply after the *Tomey* decision are:

- i. Willful or intentional torts;
- ii. Uninsured Motorist¹ ("UM") Claim; and
- iii. Underinsured Motorist ("UIM") Claim.

¹ UM & UIM claims are also called direct action claims or first party claims.

These three exceptions do not apply to [REDACTED] bodily claim arising from the rear-end collision caused by the respondent's employee driving her car into the rear-end of the Ascraft car at a high rate of speed.

2. The *Tomey* court went through a litany of other tort claims brought by a minor child which were denied when the minor child's attorney sought an exception to the parental-immunity doctrine. The *Tomey* court holding is that the parental-immunity doctrine is still the law in Arkansas with only the three aforementioned exceptions to the doctrine being applicable.

3. The requirement of Ark. Code Ann. § 19-10-223 for a claimant to bring a claim before this Commission is that the claimant must exhaust all available state remedies. This "exhaustion" occurred when the respondent's liability insurance company, Cincinnati Insurance Company, tendered its policy limits with the Logan County Circuit Court. Attached as Exhibit 2 is Circuit Judge David McCormick's Order granting the respondent's insurance carrier's Motion to deposit its policy limits into the registry of the court in the Interpleader action in Logan County Circuit Court. The damages from this claim greatly exceed the limits that the respondent had with Cincinnati Insurance which is why this claim was brought before the Arkansas Claims Commission.

4. There is no requirement that a claimant overturn long-standing tort law prior to bringing a claim before the Arkansas Claims Commission.

5. Assuming arguendo, let's examine what would happen if Haley Hudson, in her capacity as Permanent Guardian of [REDACTED] a minor, brought a lawsuit against Haley Hudson, in her capacity as Special Administratrix of the Estate of Jacqueline Ashcraft, deceased. Ashcraft's liability insurance policy explicitly bars a claim by one family member against another family member.

6. The Ashcraft vehicle was insured by American Underwriters Insurance of Conway (“AUIIC”) which issued policy number [REDACTED] to Ashcraft. Attached as Exhibit 3 is a copy of the declaration sheet for Ashcraft’s Sonata along with a cover letter from Brad Wilbanks explaining that “there is no coverage for any first party damage or injuries sustained by Jacqueline Ashcraft and her estate. AUIIC has no duty to indemnify under the policy for this claim and no loss will be paid.”

7. A review of the policy itself contains the family-member exclusion which is found in practically every automobile liability policy. Attached as Exhibit 4 is a copy of the AUIIC personal auto policy.

8. The very first exclusion in AUIIC’s policy precludes [REDACTED] or any other family member, from bringing a claim against Jacqueline Ashcraft. The Liability Coverage Exclusion Endorsement on page 2 of Ashcraft’s policy states:

We do not provide Liability Coverage for any “insured” for “bodily injury” to you or any “family member.”

9. There is no liability insurance coverage for [REDACTED] to make a recovery against the Estate of Jacqueline Ashcraft, deceased, even if the respondent could find any witness to allege that the wreck was caused by anyone other than Jennifer Wilkerson driving into the rear-end of Ashcraft’s car at a high rate of speed. The parental-immunity doctrine and AUIIC’s policy both exclude [REDACTED] from bringing a liability claim against her mother.

WHEREFORE, the claimant requests that the respondent’s Motion to Sever and Motion to Hold in Abeyance be denied, as the Parental-Immunity doctrine and AUIIC’s policy prevent the respondent’s novel theory from being applicable to [REDACTED] claim.

Respectfully Submitted,



Jim R. Jackson, AR Bar #93209

Jackson Law Firm

700 West Broadway Street, Suite 200

North Little Rock, AR 72114-5528

Phone: 501-823-3610

Fax: 501-823-3611

Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I, Jim R. Jackson, hereby certify that I have electronically filed this pleading with the Clerk of the Arkansas Claims Commission and served the respondent's attorney, Brent P. Gasper, via email, with the Claimant's Response to Motion to Sever and Motion to Hold in Abeyance on July 10, 2023.



Jim R. Jackson

2021 Ark. 62
619 S.W.3d 25

**Sherry TOMEY, Guardian of the Estate of
Novalene Kent, a Minor, Petitioner**
v.
**SOUTHERN FARM BUREAU CASUALTY
INSURANCE COMPANY, Respondent**

No. CV-20-421

Supreme Court of Arkansas.

Opinion Delivered: March 18, 2021

Reed Firm, P.A., by: Tim Reed, for petitioner.

Turner Law Firm, P.A., by: Andy L. Turner, Little
Rock and Kaleb M. Jones, Cabot, for respondent.

Brian G. Brooks, Attorney at Law, PLLC, by: Brian
G. Brooks, amicus curiae for Arkansas Trial
Lawyers Association.

RHONDA K. WOOD, Associate Justice

The parental-immunity doctrine bars unemancipated minors from suing their parents for involuntary torts. One exception applies when the minor brings a direct-action suit against an insurance carrier for *uninsured* -motorist coverage. Here, the minor brought a direct-action suit against an insurance carrier for *underinsured* -motorist coverage. The United States District Court for the Eastern District of Arkansas, in accordance with Arkansas Supreme Court Rule 6-8, certified the following question of law:

Does the State of Arkansas recognize an exception to the parental-immunity doctrine when a direct-action suit against a motor vehicle liability insurance carrier for *underinsured* motorist coverage is at issue and when *underinsured* motorist benefits are the damages requested?

We find no distinction between the two coverages for the purpose of the parental-immunity

doctrine. The reasons justifying the exception for *uninsured* -motorist coverage apply equally to *underinsured* -motorist coverage. We therefore expand the exception to cover direct-action claims when underinsured benefits are at issue and answer the certified question in the affirmative.

[619 S.W.3d 27]

I. *Factual Background*

The parties agreed to these facts. In April 2016, Christina Buchanan crashed a Dodge Grand Caravan, killing herself and severely injuring her daughter, Nova, who was a passenger. A third party, Anthony Ray, owned the Caravan. Ray insured the Caravan with The Hartford on a \$25,000 bodily-injury liability policy. The Hartford offered the full \$25,000 to Nova in exchange for a release of all negligence claims against Ms. Buchanan and Mr. Ray. Nova accepted the settlement through her guardian.

Even so, Nova's medical bills exceeded \$25,000. She therefore submitted a claim against Ms. Buchanan's underinsured-motorist coverage with Farm Bureau. The policy's language provided as follows:

We will pay damages for bodily injury which a covered person is legally entitled to recover from the owner or operator of an underinsured auto. Bodily injury must be caused by an accident arising out of the ownership, maintenance or use of the underinsured auto.

We will pay under this coverage only after the limits of liability under any applicable bodily injury liability bonds or policies have been exhausted by payment of judgments or settlements.

The parties agreed that the mother's negligent operation of Mr. Ray's underinsured Caravan caused Nova's injuries and that Mr. Ray's policy



limits were exhausted. But the parties disputed whether Nova, as a covered person, was legally entitled to recover from her mother, the operator of the Caravan.

Farm Bureau maintained that Nova could not recover under Arkansas's parental-immunity doctrine. It accordingly denied Nova's claim against her mother's policy. Nova then filed a direct-action lawsuit against Farm Bureau, which ended up in federal district court. The district court acknowledged that this court has recognized an exception to the parental-immunity doctrine when the source of recovery is *uninsured* - motorist benefits under a motor-vehicle liability policy. The question raised was whether a similar exception existed for *underinsured* -motorist benefits. We answer yes for the reasons explained below.

II. Law and Analysis

The parental-immunity doctrine prohibits unemancipated minors from suing their parents for an involuntary tort. This court created the doctrine in 1938. See *Rambo v. Rambo*, 195 Ark. 832, 114 S.W.2d 468 (1938). We reasoned the doctrine was necessary to maintain the "integrity and stability ... of the family unit." *Id.* at 835, 114 S.W.2d at 469. We also noted the State could still bring criminal charges against parents for abuse that amounts to a criminal violation. *Id.*

Petitioner correctly points out that the national trend in state courts has been to abrogate the parental-immunity doctrine. See *Fields v. So. Farm Bureau Cas. Ins. Co.*, 350 Ark. 75, 88, 87 S.W.3d 224, 229 (2002) (recognizing most states have either abolished the parental-immunity doctrine, never adopted it, or created exceptions); Brian A. Wamble, *Parental Immunity: Tennessee Joins the National Trend Toward Modification*, 25 U. Mem. L. Rev. 235, 239 (1994) ("[A] majority of jurisdictions have either discarded parental immunity altogether or at least restricted its application."). Despite the trend, the parental-immunity doctrine has survived in Arkansas for over eighty years. We recognize that this is a judicially created doctrine and not derived from

common law. Our legislature has not limited or expanded the doctrine since 1938, suggesting tacit approval. See *Chapman v. Alexander*, 307 Ark. 87, 90, 817 S.W.2d 425, 427 (1991)

[619 S.W.3d 28]

(noting "[l]egislative silence after such a long period gives rise to an arguable inference of acquiescence or passive approval"). While complete abrogation has been raised repeatedly to this court, we have declined to reach this policy decision. If the legislature disagrees with parental immunity, it is free to extinguish it by statute, as it has done with other types of immunity in the past. Compare *Parish v. Pitts*, 244 Ark. 1239, 429 S.W.2d 45 (1968) (abolishing municipal immunity) with Act 165 of 1969, now codified at Ark. Code Ann. § 21-9-301 (Repl. 2016) (reestablishing municipal immunity). Absent this, we continue our case-by-case consideration of the doctrine and when exceptions should apply.

Over the years, we created two exceptions to the doctrine. The first exception applies when a child sues a parent for a willful tort. *Attwood v. Estate of Attwood*, 276 Ark. 230, 633 S.W.2d 366 (1982). "[A] willful tort is beyond the scope of the parental immunity doctrine." *Id.* at 238, 633 S.W.2d at 370. The second exception applies "when a direct-action suit against a motor vehicle liability insurance carrier for uninsured motorist coverage is at issue and when insurance benefits are the damages requested." *Fields*, 350 Ark. at 88, 87 S.W.3d at 231. Here, we consider the scope of the second exception.

The *Fields* court gave multiple reasons for the exception. First, the court noted only nine states, including Arkansas, applied the parental-immunity doctrine when automobile insurance was the source of recovery. *Id.* at 84, 87 S.W.3d at 229. Second, the court decided the policy basis for the doctrine—family harmony—was inapplicable when "the insurance company is the true adversary." *Id.* at 86, 87 S.W.3d at 230. Third, the court thought any fraud or collusion between parent and child would be rare and could be countered during litigation: "the judicial process

and investigation by the carrier itself will stem the potential for abuse." *Id.* at 87, 87 S.W.3d at 230. Last, the court concluded the existence of criminal laws to punish the parent failed to justify the doctrine's application in this circumstance. *Id.* In all, the court reasoned, the policy underlying parental immunity was not "persuasive when the party with the true economic interest at stake is the liability carrier." *Id.* at 87, 87 S.W.3d at 231.

We find the basis for the *Fields* exception for uninsured coverage applies equally to the underinsured coverage. Accordingly, we hold an exception to the parental-immunity doctrine applies when a party files a direct-action suit against an insurance carrier for underinsured-motorist coverage and when insurance benefits are the damages requested. This appears to be the majority view according to the *Fields* court's examination of the law. The insurance company can root out collusion and fraud during its investigation, during discovery, or in the courtroom. And the risk of fraud and collusion is practically nonexistent where, as here, the mother is deceased. *Cf. Attwood*, 276 Ark. at 236, 633 S.W.2d at 235 ("[T]he reasons which may have justified barring the child's remedy against a living parent lose much of their force when the parent-child relationship is terminated by death.").

Further, we see no meaningful distinction between underinsured coverage and uninsured coverage for the purpose of parental immunity.¹ True, the two coverages

[619 S.W.3d 29]

have different applications—uninsured coverage applies when the tortfeasor has no insurance while underinsured coverage applies when the tortfeasor's policy fails to fully compensate the injured party. *See Clampit v. State Farm Mut. Auto. Ins. Co.*, 309 Ark. 107, 109–10, 828 S.W.2d 593, 595 (1992). But this distinction does not affect the policy underlying the parental-immunity doctrine.

This does not mean we will always create exceptions. We have declined to do so in other cases. *See, e.g.*, *Greenwood v. Anderson*, 2009 Ark. 360, 324 S.W.3d 324 (upholding doctrine when son sued absentee father for negligence); *Robinson v. Robinson*, 323 Ark. 224, 914 S.W.2d 292 (1996) (upholding doctrine when daughter sued mother for negligently failing to prevent sexual abuse). We also upheld the doctrine when homeowner's insurance was the source of recovery. *Verdier v. Verdier*, 364 Ark. 287, 219 S.W.3d 143 (2005). There, a son sued his father for injuries arising out of a lawnmower accident, seeking recovery up to the limits of his father's homeowner's insurance policy. We rejected the son's request to create another exception. We noted many injuries occurred in the home and limiting the doctrine would lead to a slippery slope. But we also based our holding on the fact that the law requires auto insurance but not homeowner's insurance. Because "many households in Arkansas are not protected by homeowner's insurance," extending the doctrine could "create separate benefits and burdens for those who are insured than from those who are not." *Id.* at 291, 219 S.W.3d at 146.

As for future exceptions, we will carefully evaluate them as each case presents itself to the court.

Certified question answered.

Notes:

¹ The States with an automobile-negligence exception do not distinguish between underinsured coverage and uninsured coverage. *See, e.g.*, Conn. Gen. Stat. § 52-572c ("In all actions for negligence in the operation of a motor vehicle ... the immunity between parent and child ... is abrogated."); N.C. Gen. Stat. § 1-539.21 ("The relationship of a parent and child shall not bar the right of action ... arising out of operation of a motor vehicle."); *Ard v. Ard*, 414 So. 2d 1066, 1067 (Fla. 1982) (waiving parental-immunity doctrine in negligence action "to the extent of the parent's available liability insurance coverage");

Unah ex rel. Unah v. Martin , 676 P.2d 1366, 1370 (Okla. 1984) (same); *Merrick v. Sutterlin* , 93 Wash.2d 411, 610 P.2d 891, 893 (1980) (eliminating the doctrine for negligence actions against parent arising from automobile accident); *Lee v. Comer* , 159 W.Va. 585, 224 S.E.2d 721, 725 (1976) (same); *Dellapenta v. Dellapenta* , 838 P.2d 1153, 1158 (Wyo. 1992) (permitting unemancipated minor to bring automobile-negligence action after identifying "at least thirty states that now recognize [the] action").



IN THE CIRCUIT COURT OF LOGAN COUNTY, ARKANSAS
CIVIL DIVISION

ELECTRONICALLY FILED
Logan County Circuit Court in Paris District
Kim Ruloph, Circuit Clerk
2022-Mar-21 15:25:57
42PCV-21-116
C15D02 : 3 Pages

CINCINNATI INSURANCE COMPANY

PLAINTIFF

v. CASE NO. 42PCV-21-116

HALEY HUDSON, ADMINISTRATRIX OF THE ESTATE OF
JACQUELINE LYNN ASHCRAFT, DECEASED, and also
GUARDIAN OF THE ESTATES OF [REDACTED]

And [REDACTED] both minors;

JENNIFER WILKERSON;

ARKANSAS DEPARTMENT OF HUMAN SERVICES;

BOBBY DALE WILSON;

JOE ASHLEY TRUCKING, LLC;

GKD MANAGEMENT, LP D/B/A A&G COMMERCIAL TRUCKING, INC.;

TRU HOMES, LLC;

JOHN DOES 1-3

DEFENDANTS

ORDER

The Court, upon motions of the parties, and being well and sufficiently advised, hereby orders as follows:

1. This Court grants the unopposed Motion to Deposit Funds of Plaintiff, the Cincinnati Insurance Company ("Cincinnati"). The Logan County Circuit Clerk is hereby authorized to accept from Cincinnati a check or draft in the sum of the adjusted policy proceeds, and to deposit the adjusted proceeds into an interest-bearing account.

2. Once Cincinnati has deposited the funds, Cincinnati shall be dismissed from the instant action and be discharged from all further liability.

3. Only two Defendants, Haley Hudson, Administratrix of the Estate of Jacqueline Lynn Ashcraft, Deceased, and also Guardian of the Estates of [REDACTED] [REDACTED] minors ("Hudson") and GKD Management d/b/a A&G Commercial Trucking, Inc. ("GKD") have made claims to the funds to be deposited into the Registry of the Court.



4. Hudson and GKD have amicably resolved their competing claims to the funds, with GKD to received \$12,500.00 from the funds to be deposited, and with Hudson to receive the remainder of the funds to be deposited.

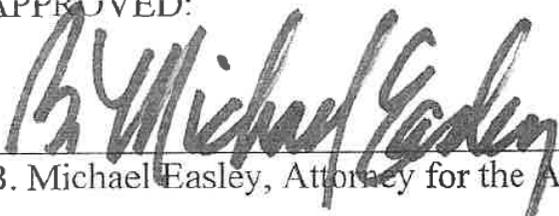
5. Once Cincinnati has deposited the funds into the Registry of the Court, the Logan County Circuit Clerk is hereby directed to issue two checks distributing the funds in the above-described amounts to Hudson and GKD, respectively.

6. Once the funds have been distributed accordingly, the instant action shall be dismissed with prejudice.

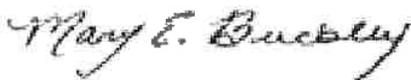
IT IS SO ORDERED this ___ day of March, 2022.

Honorable David McCormick
Circuit Court Judge

APPROVED:



B. Michael Easley, Attorney for the Ashcraft Estate



Mary Buckley, Attorney for GKD



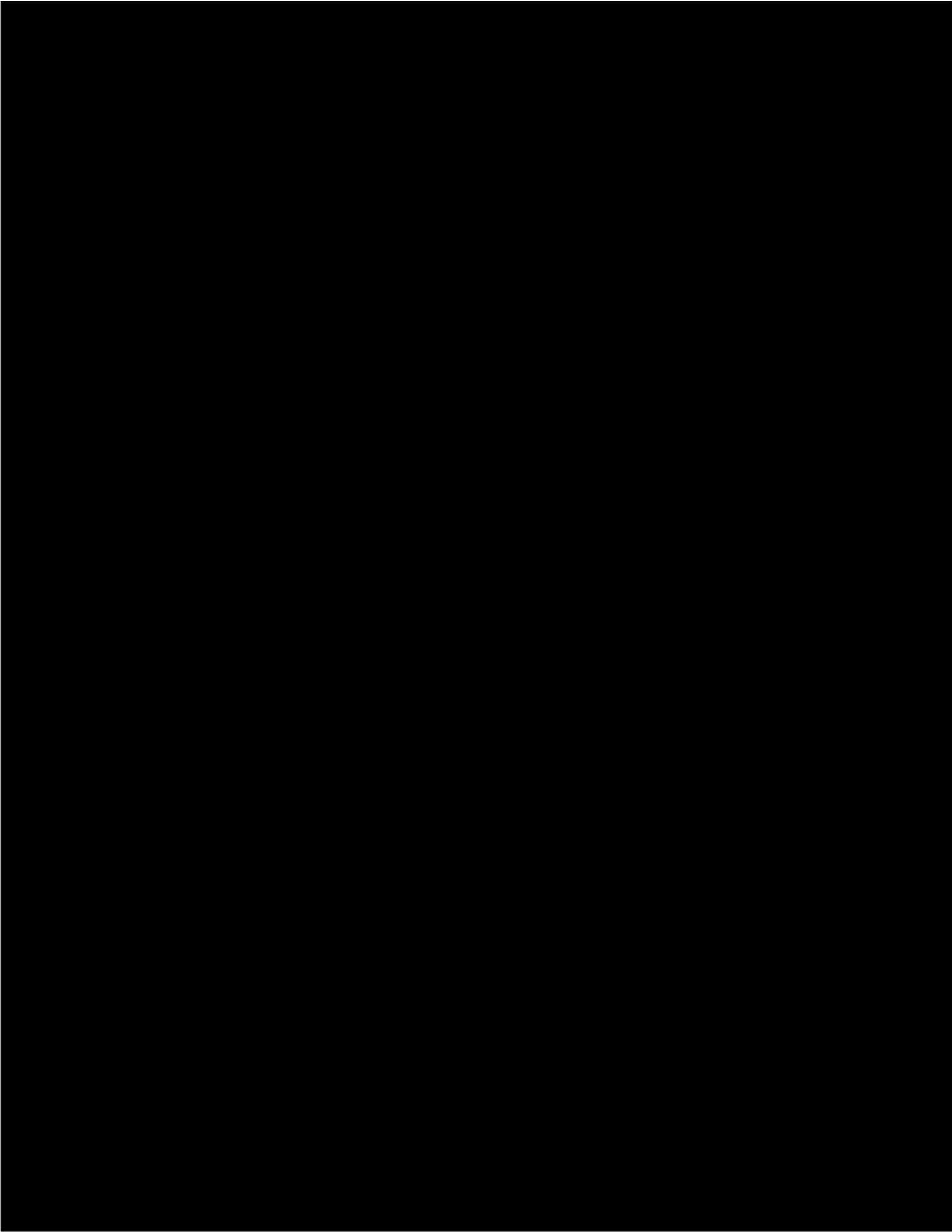
Arkansas Judiciary

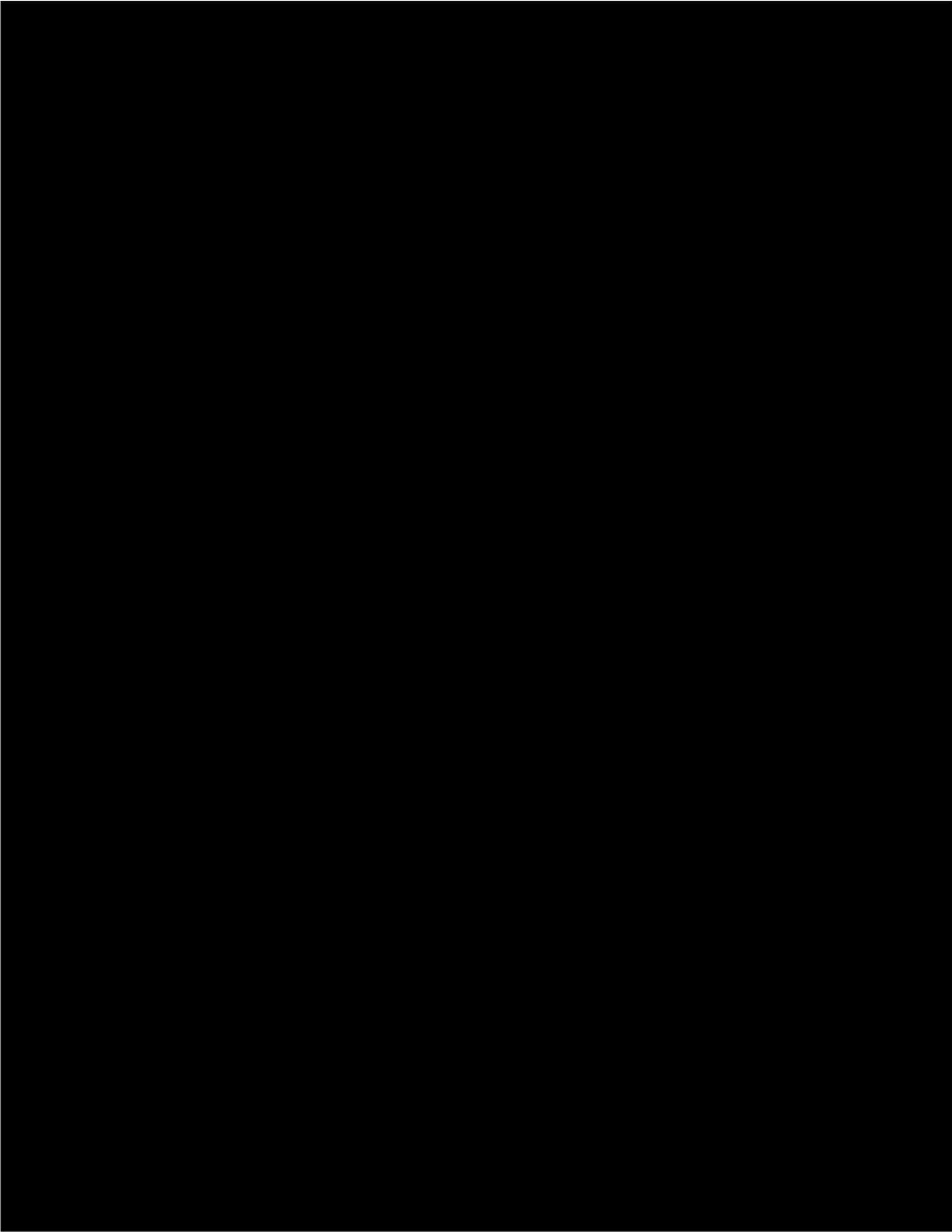
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HUDSON ET AL
Case Number: 42PCV-21-116
Type: ORDER OTHER

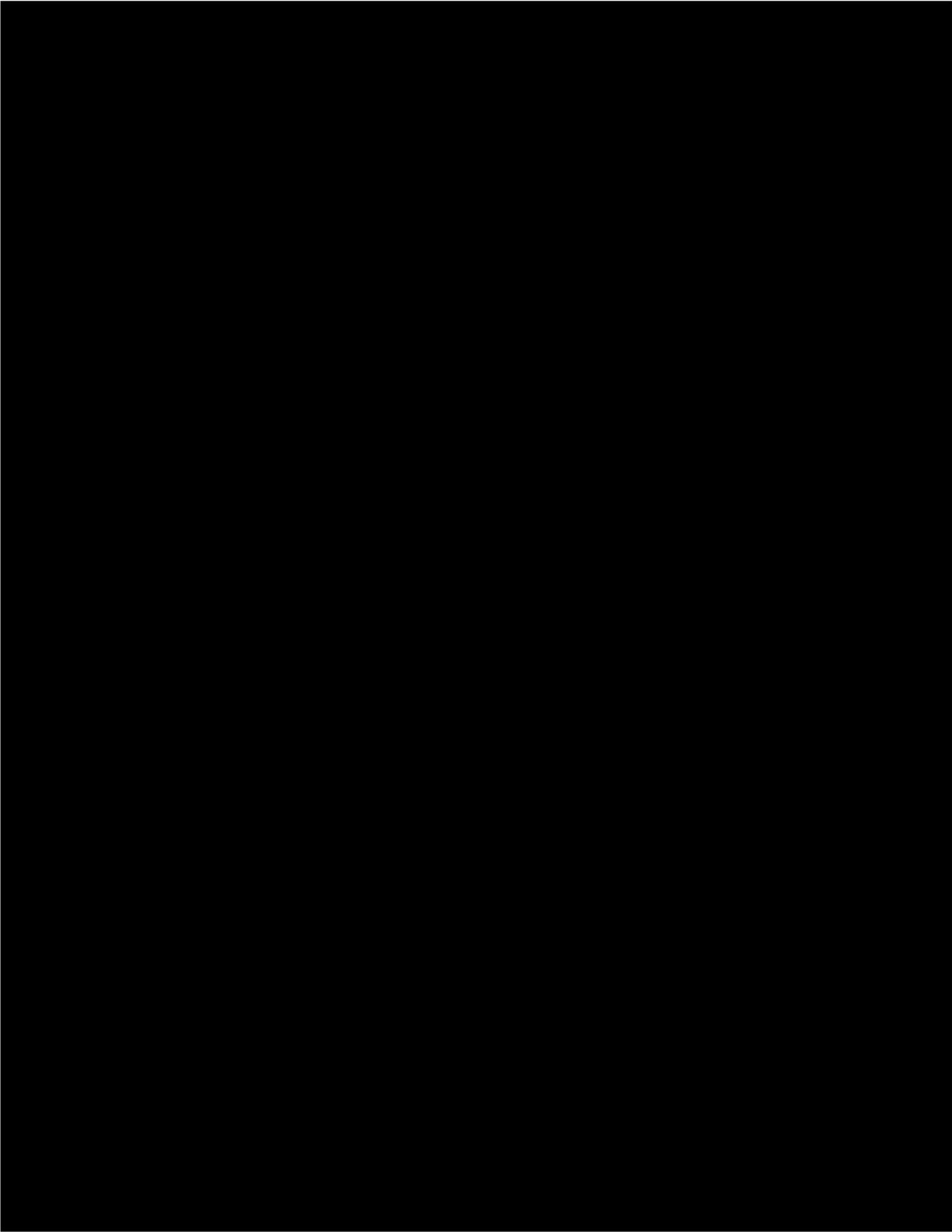
So Ordered

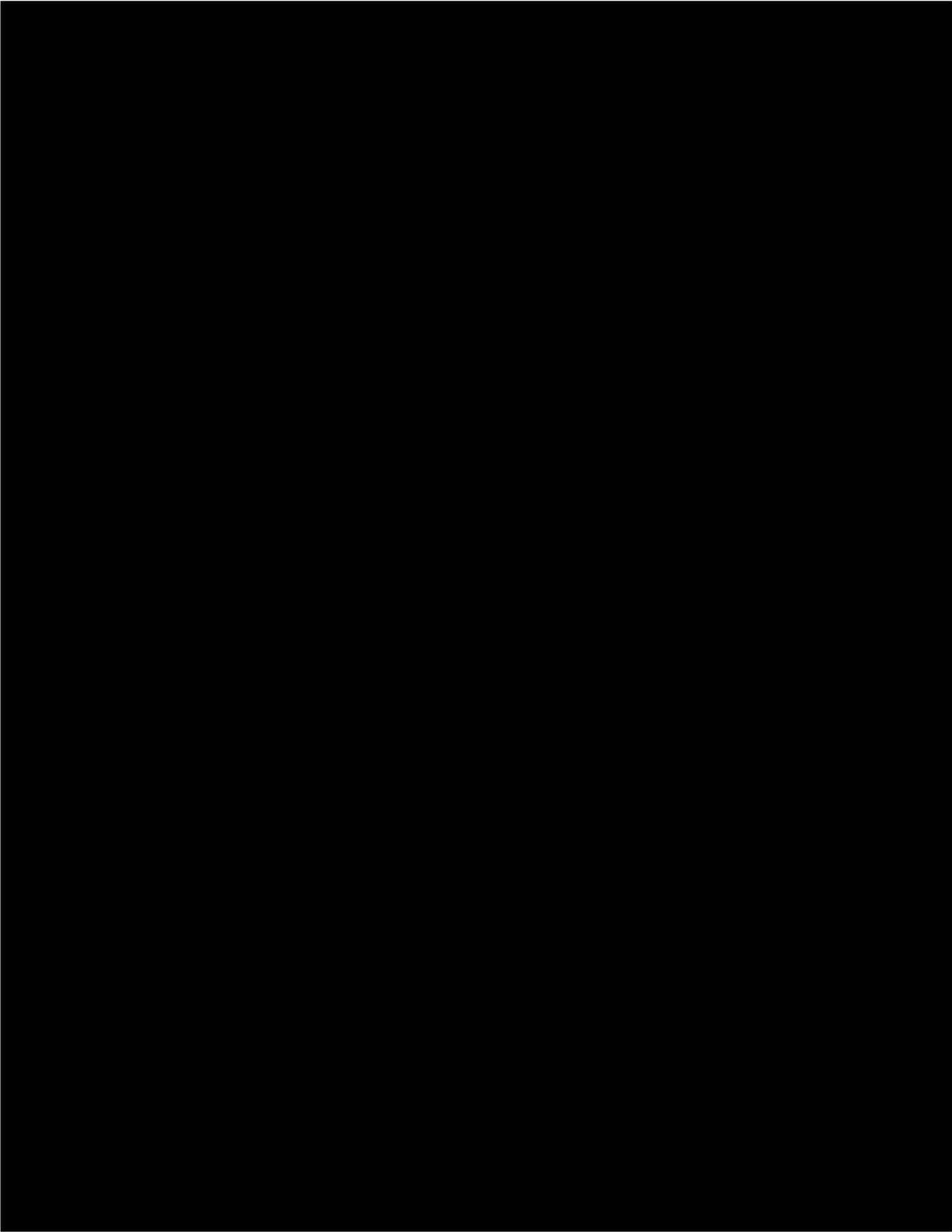
David H. McCormick

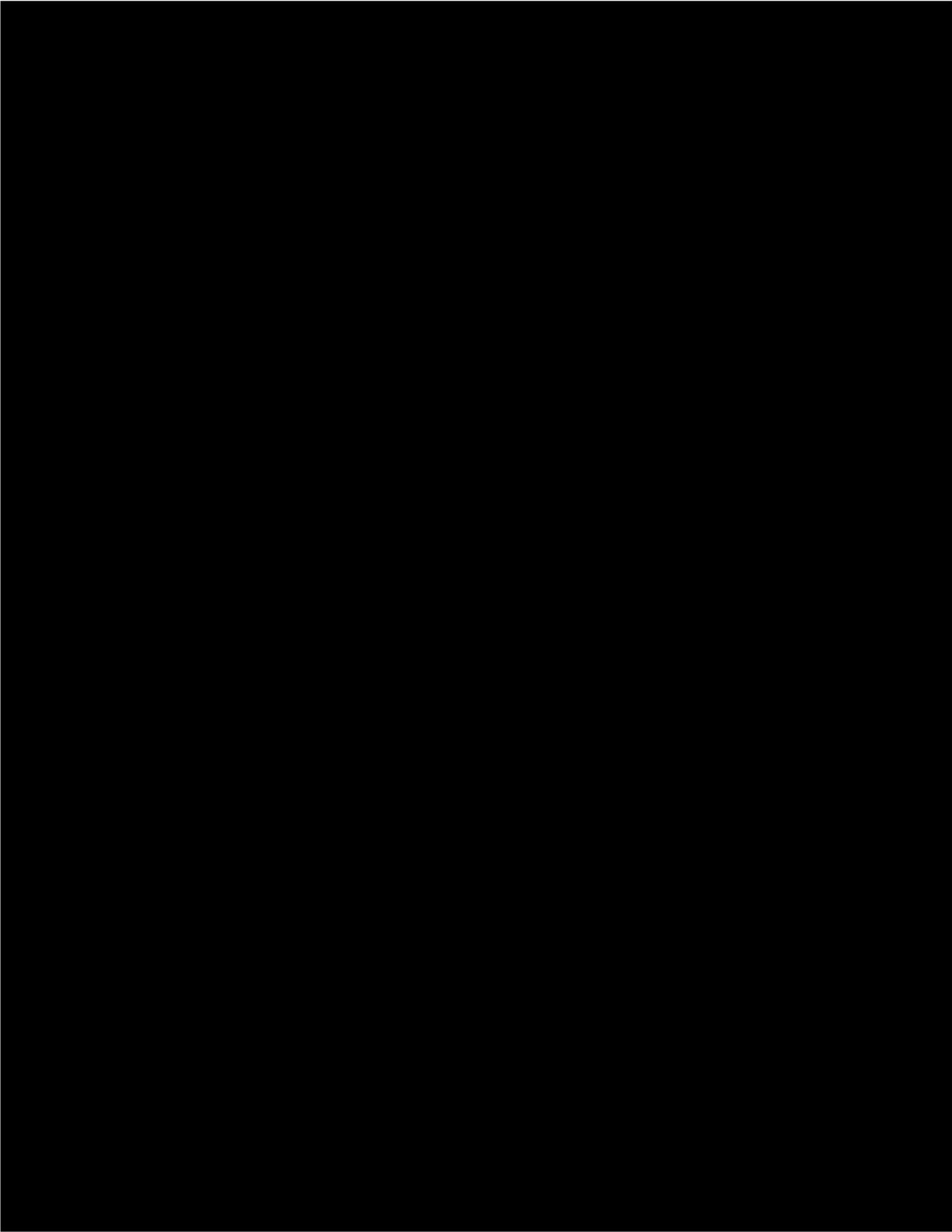
David H. McCormick, 15th Circuit
Division 2 Judge

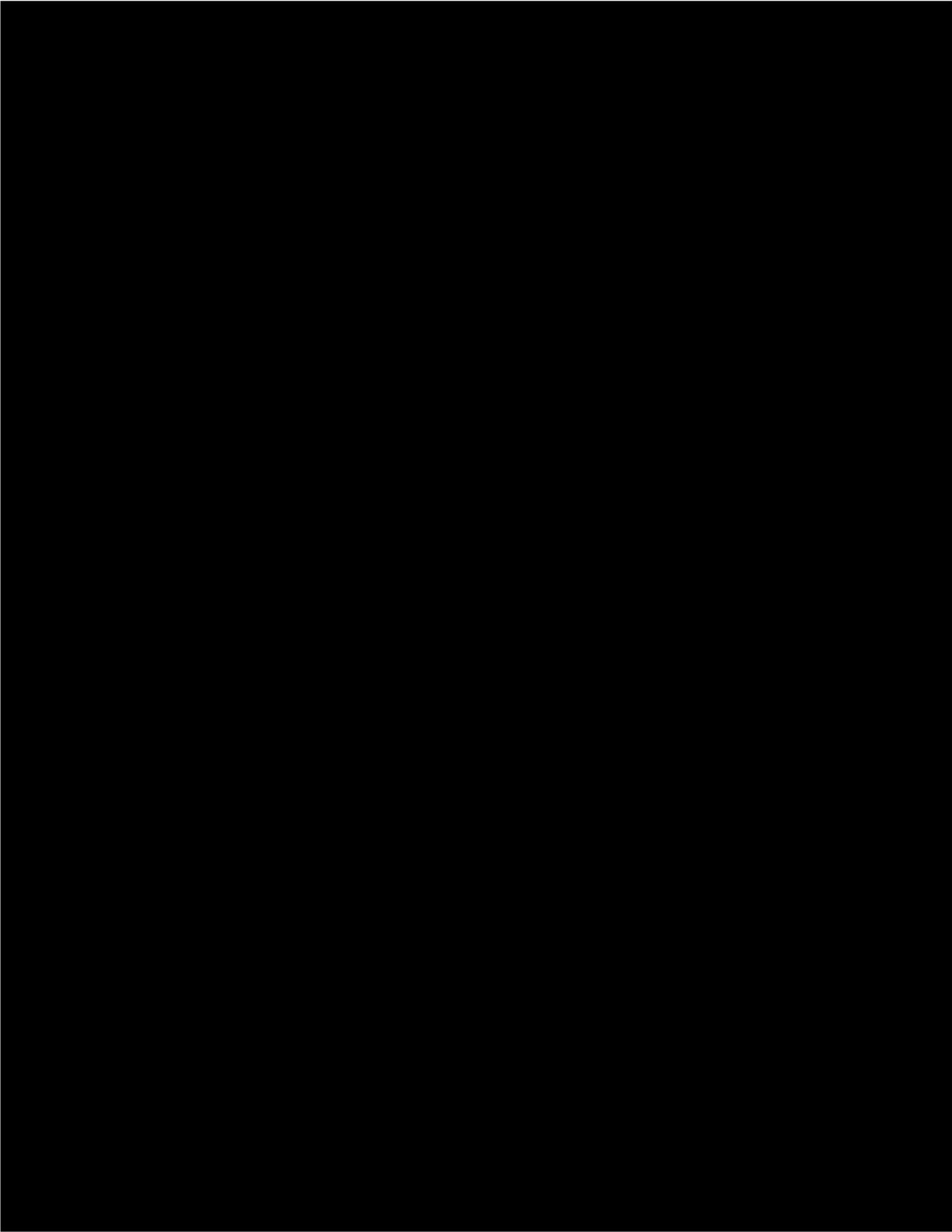


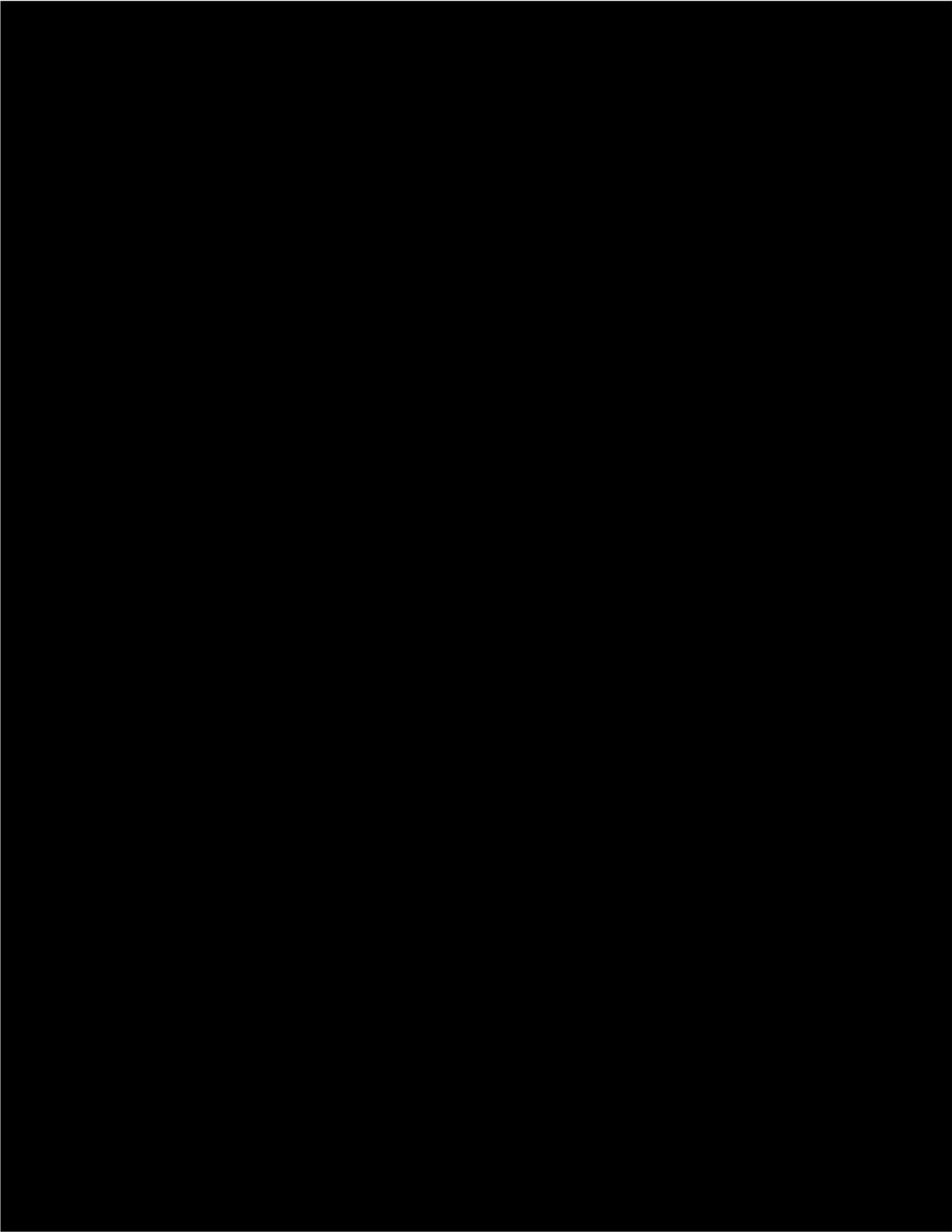


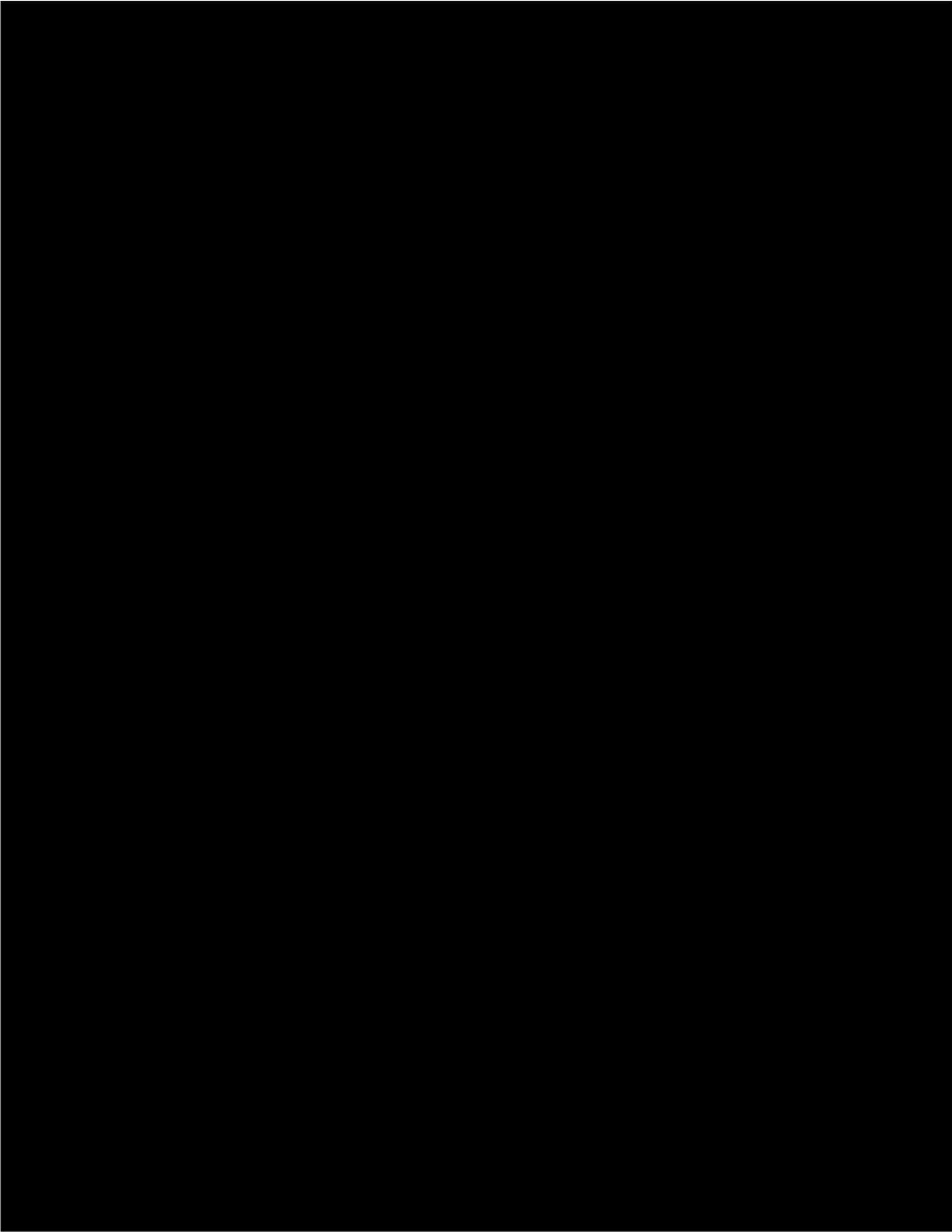


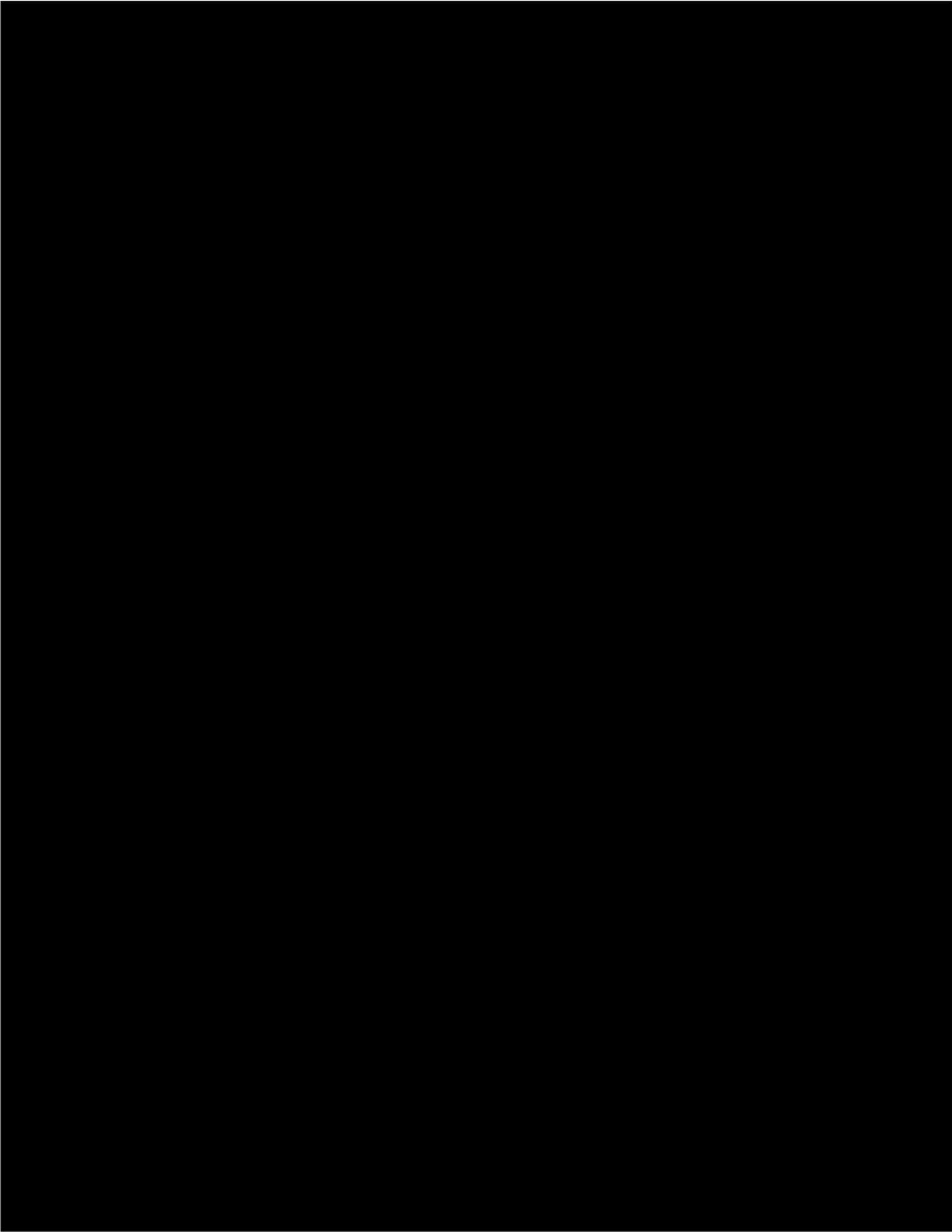


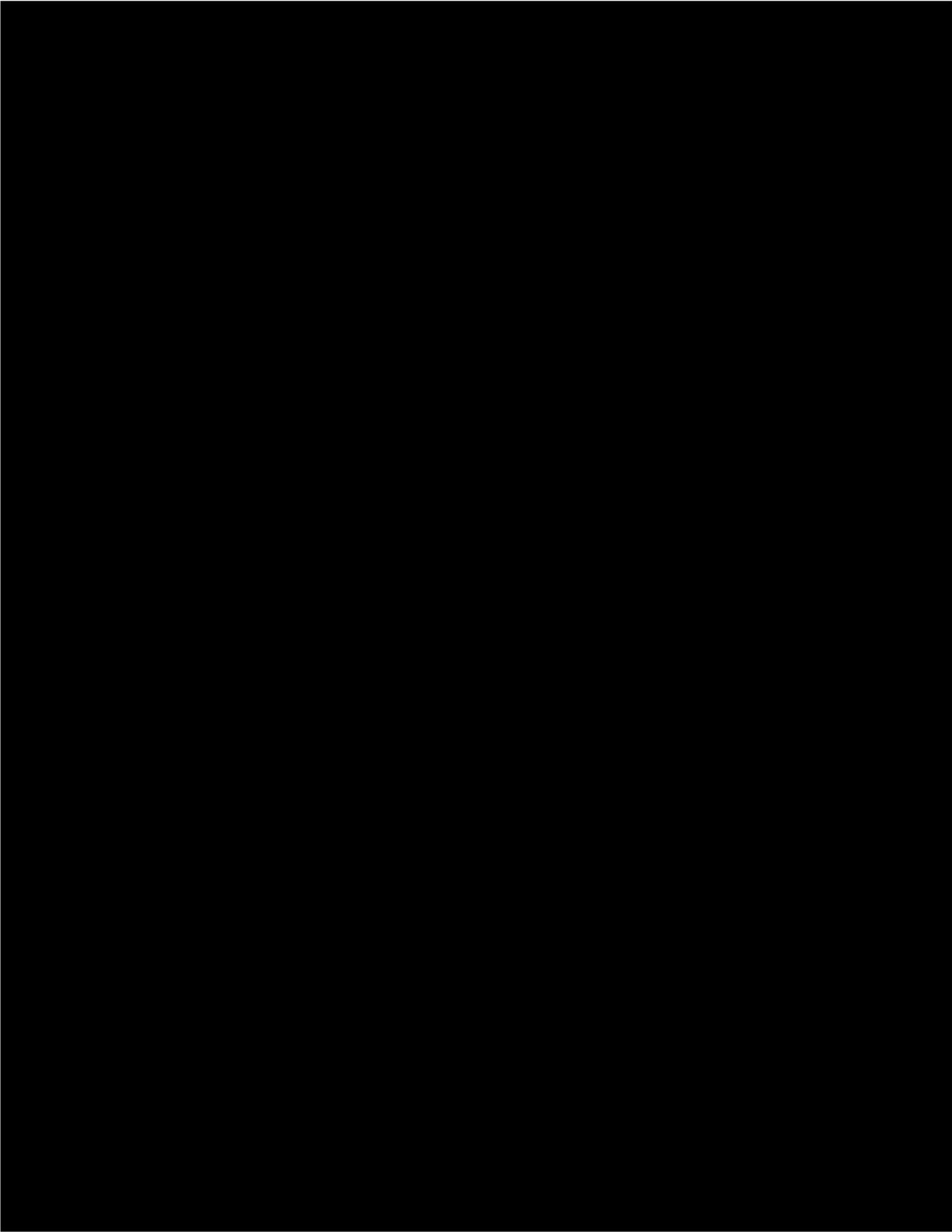


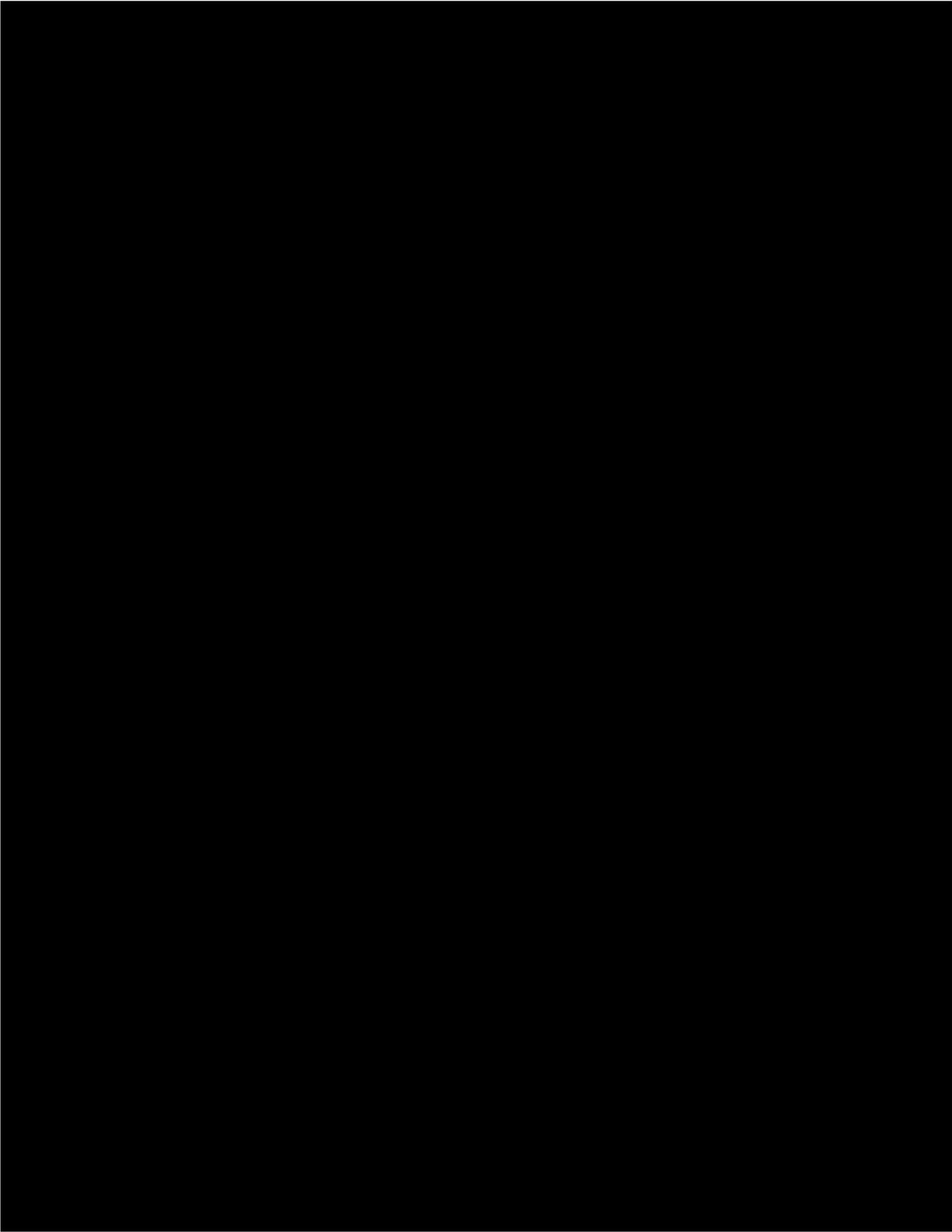


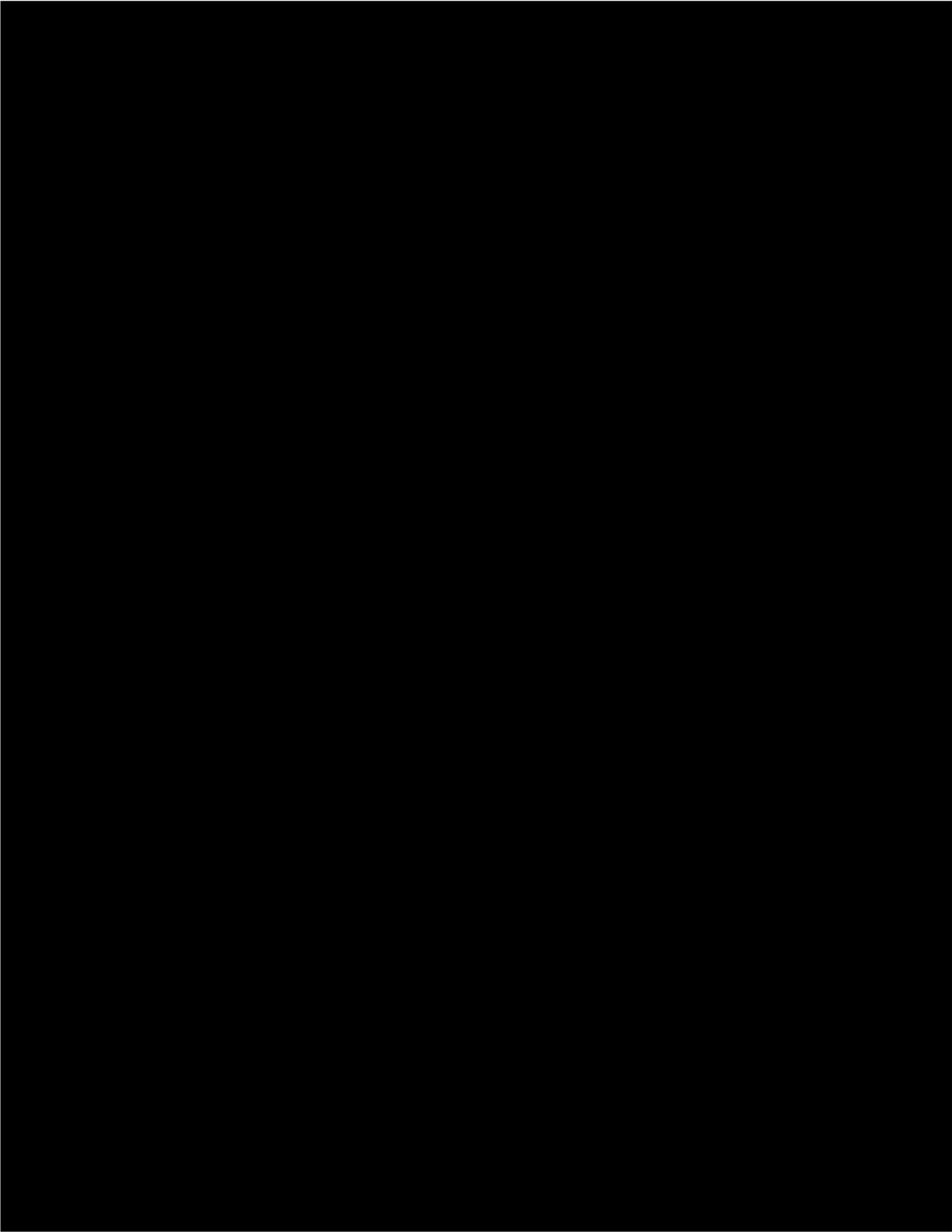


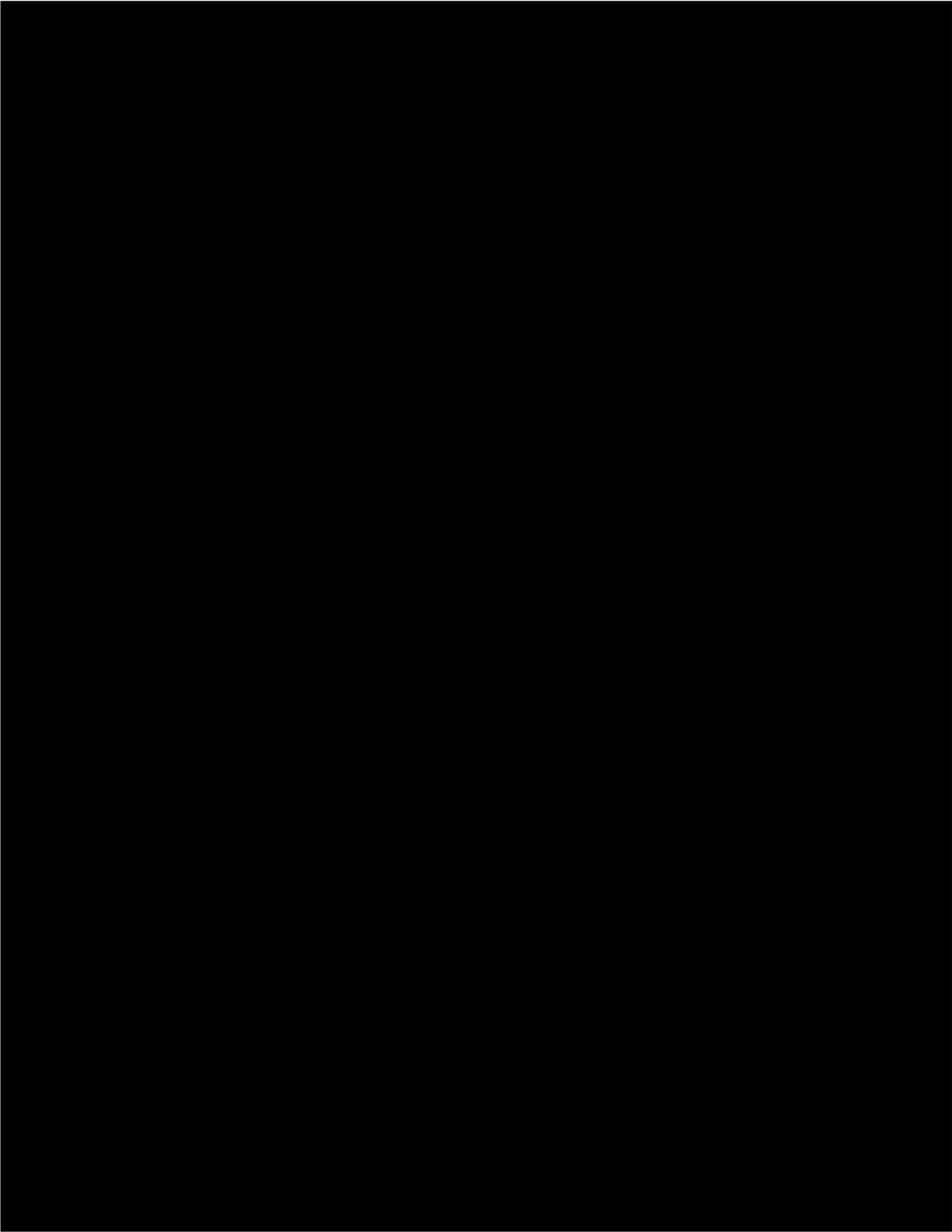


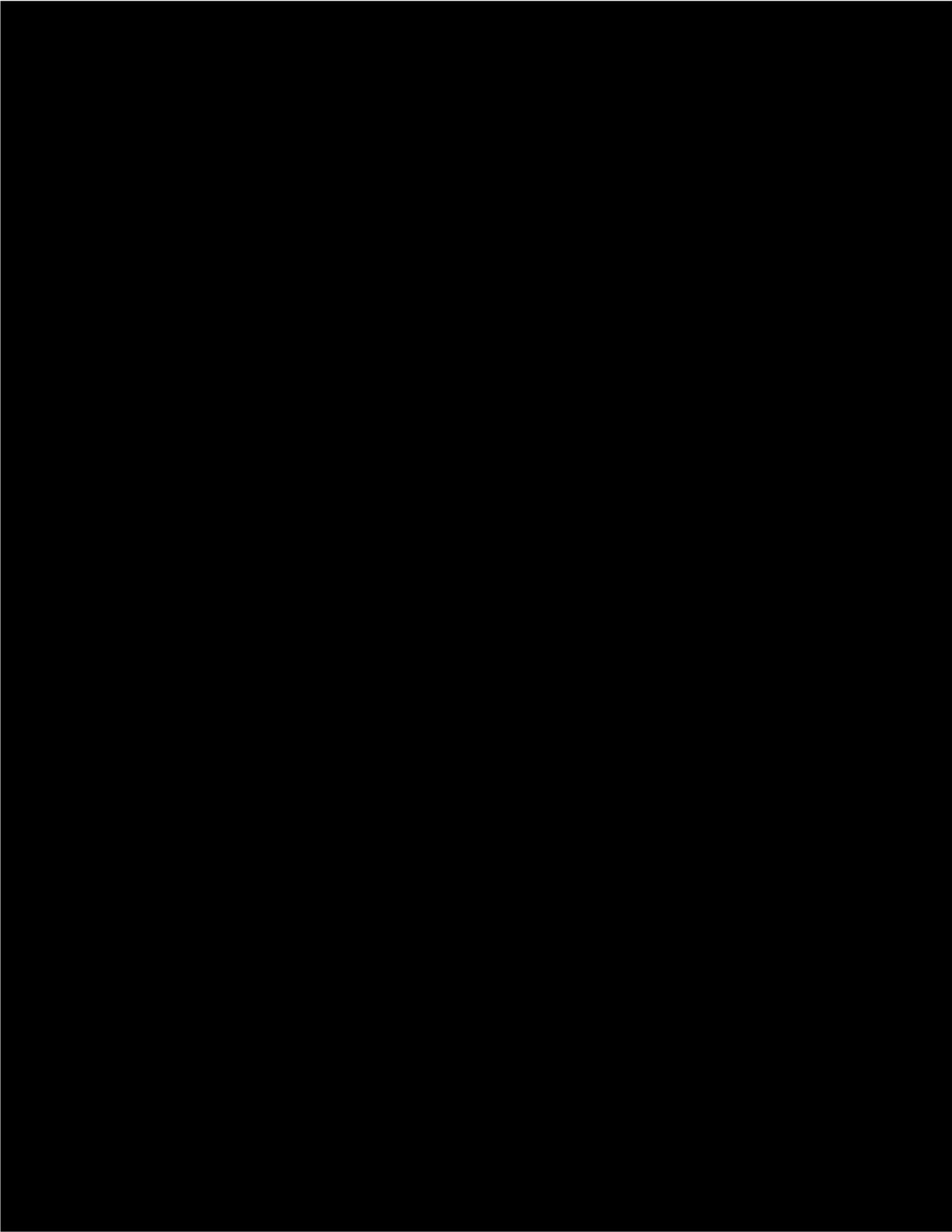


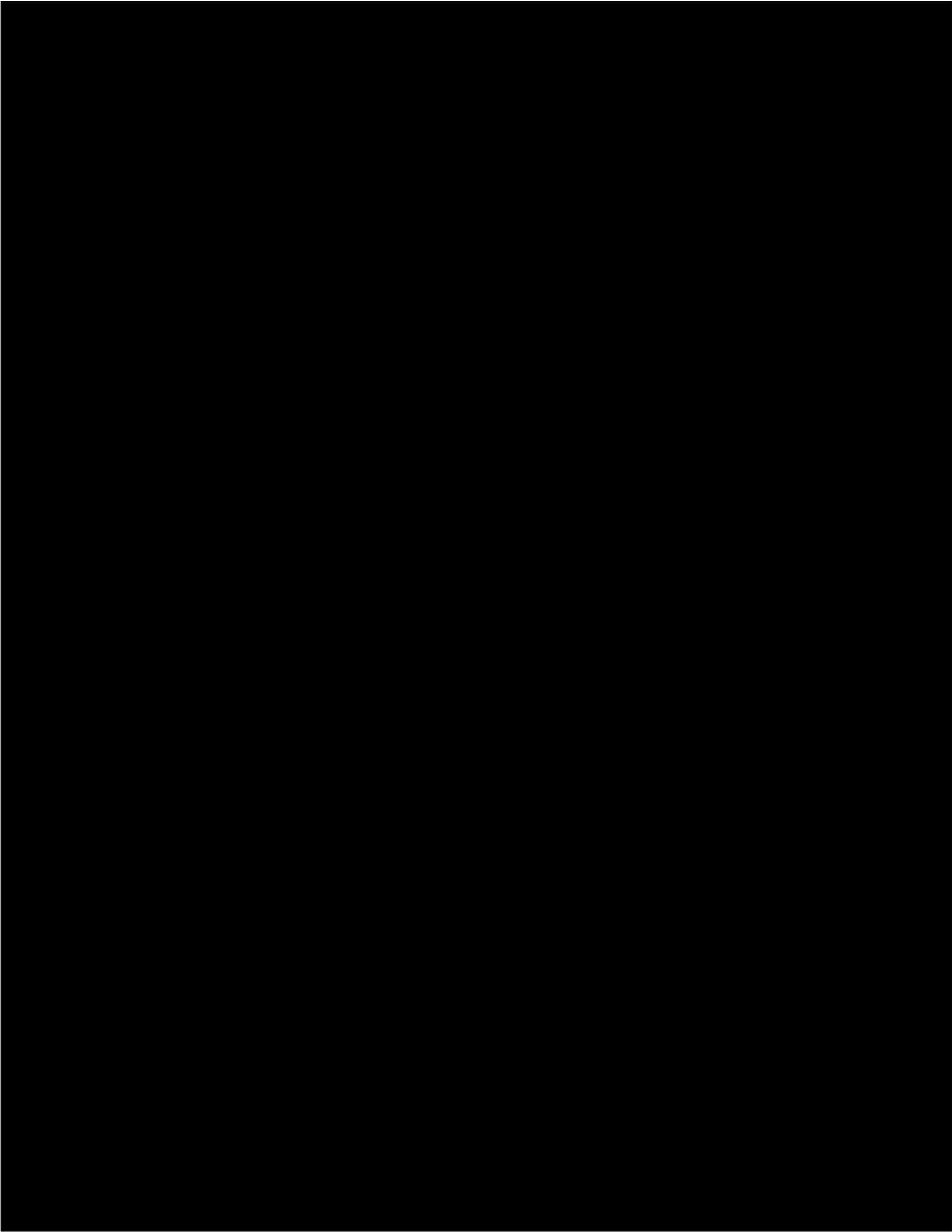


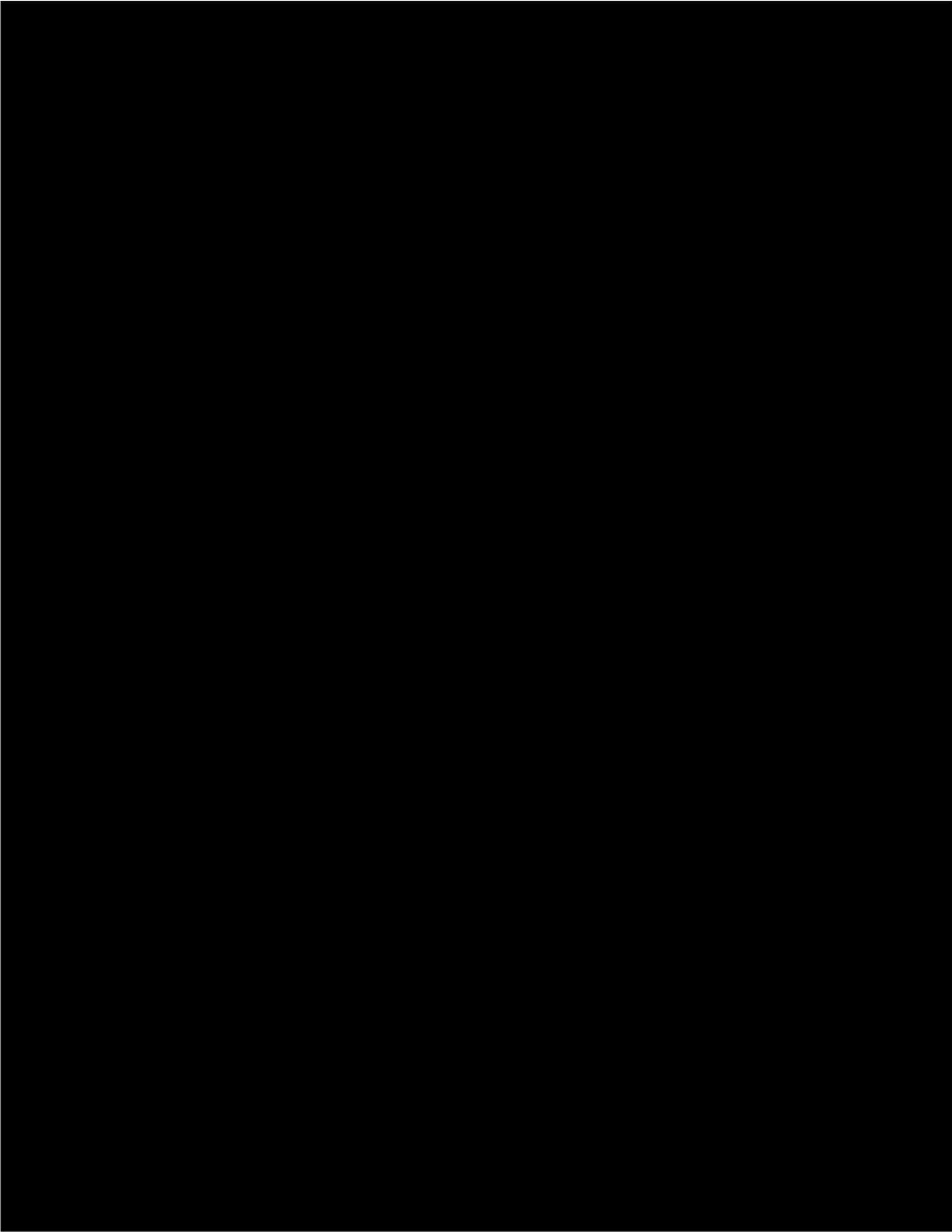


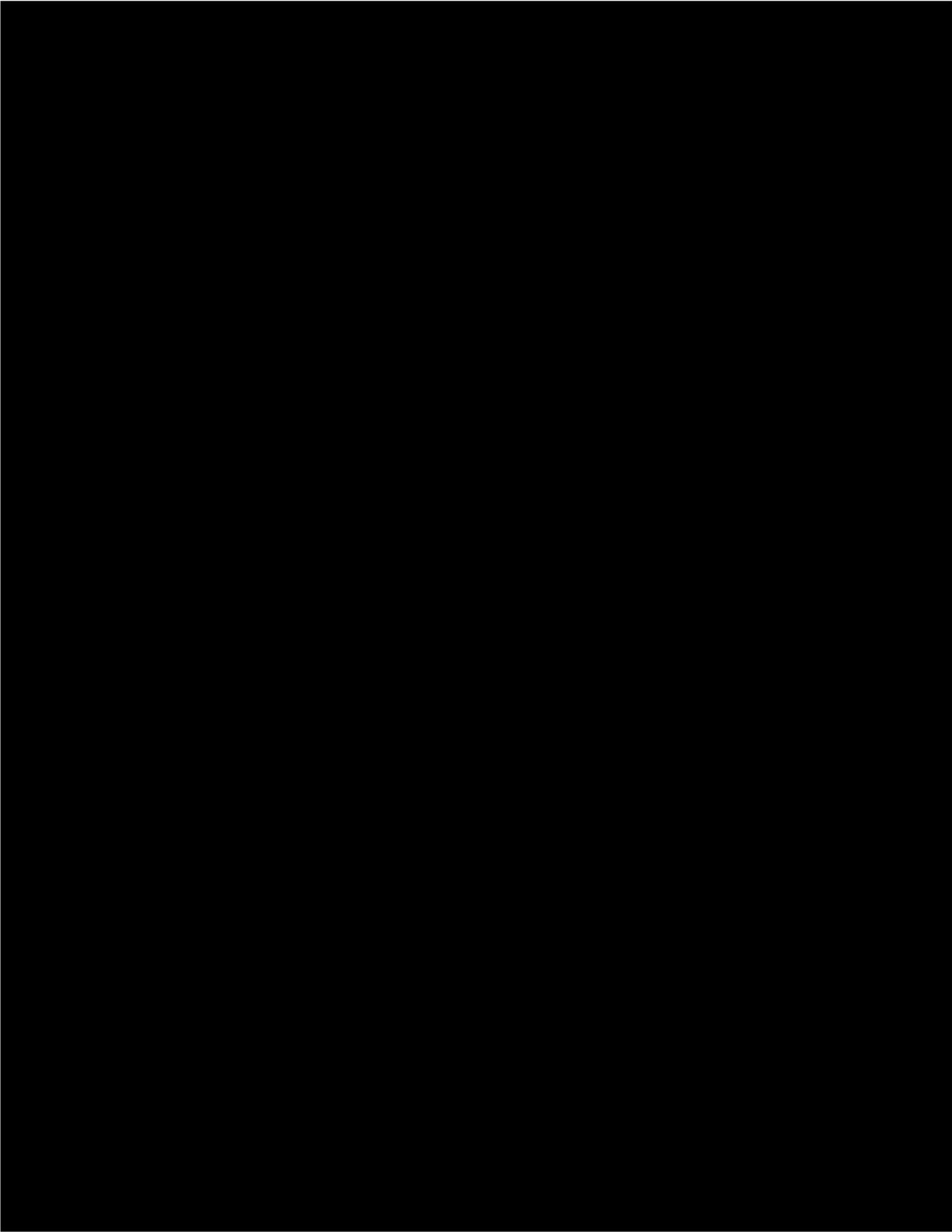


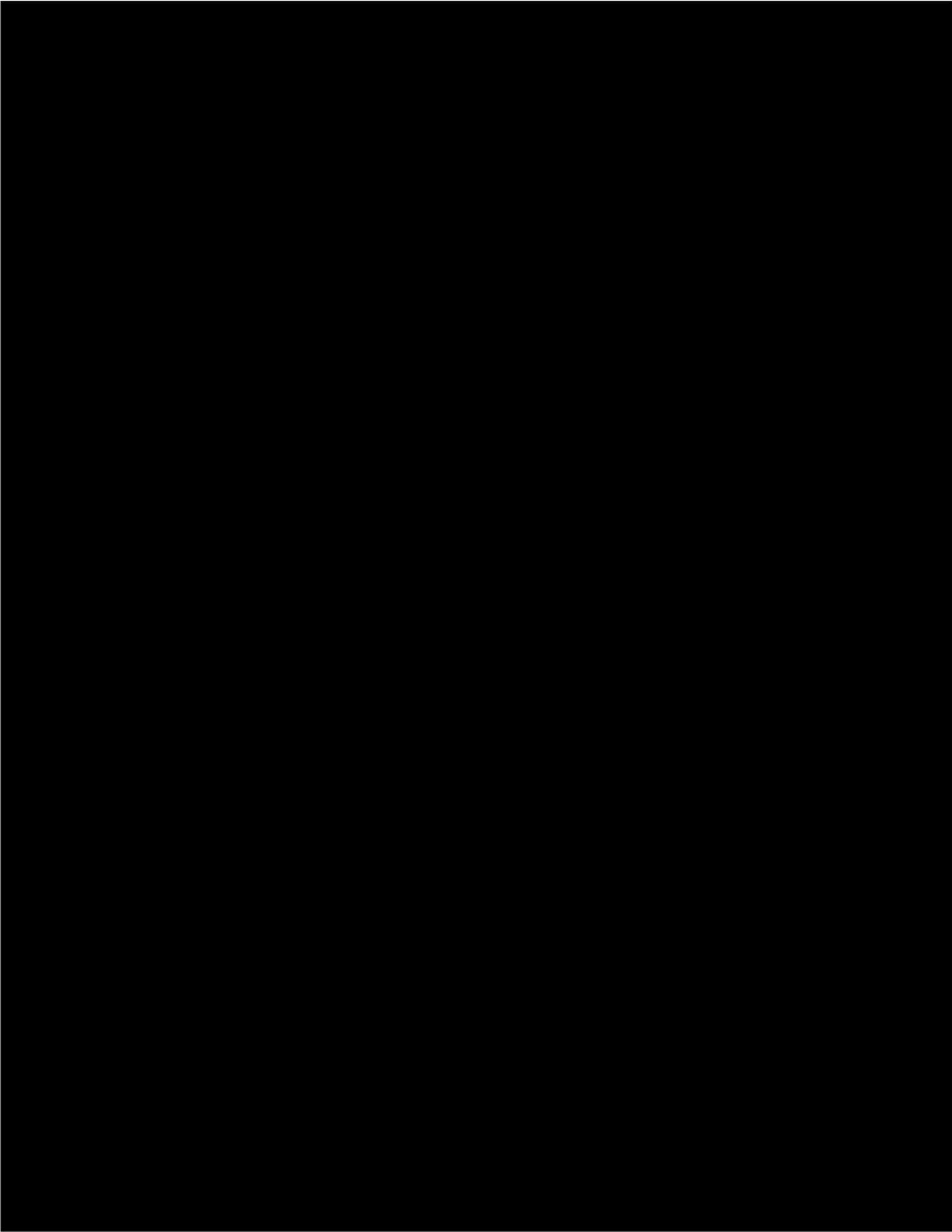


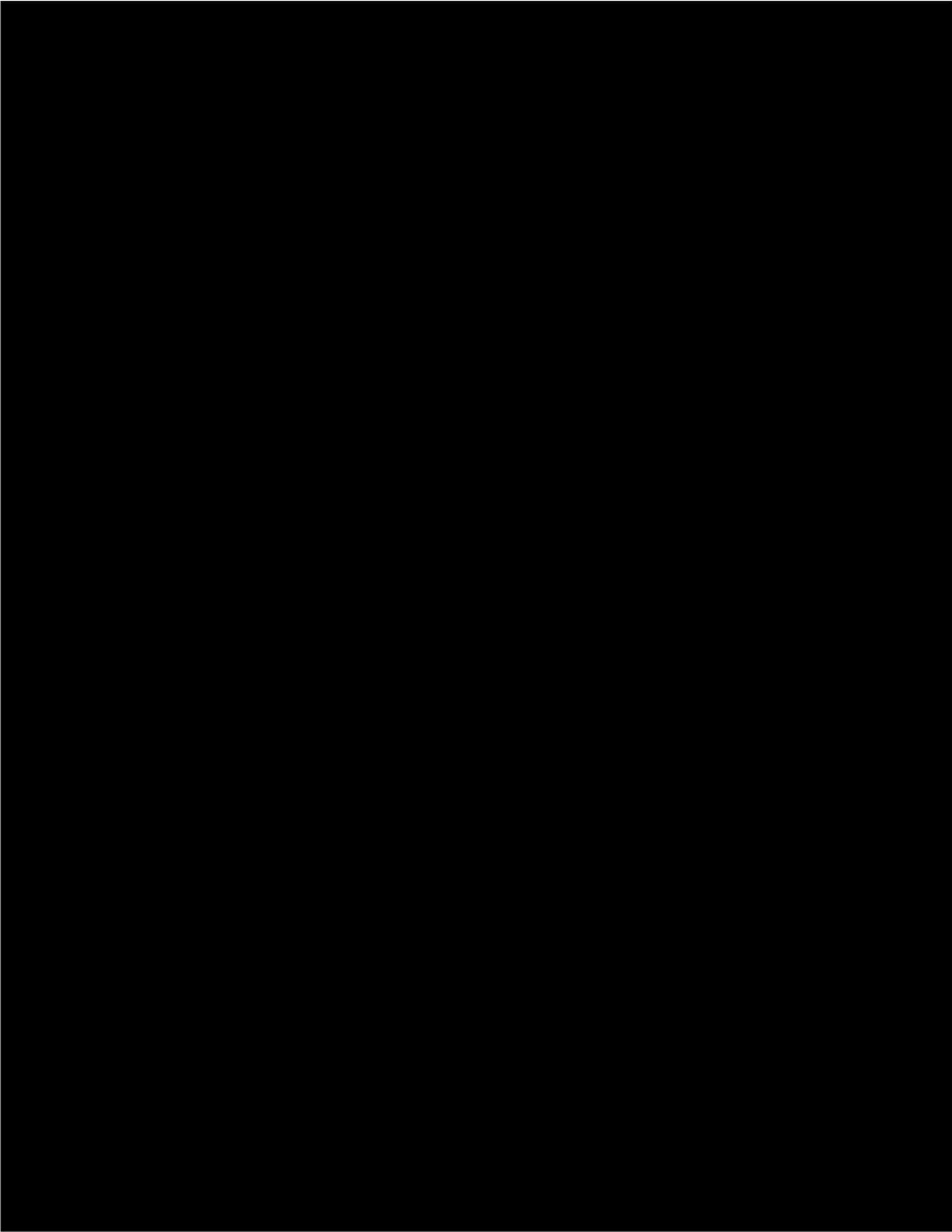


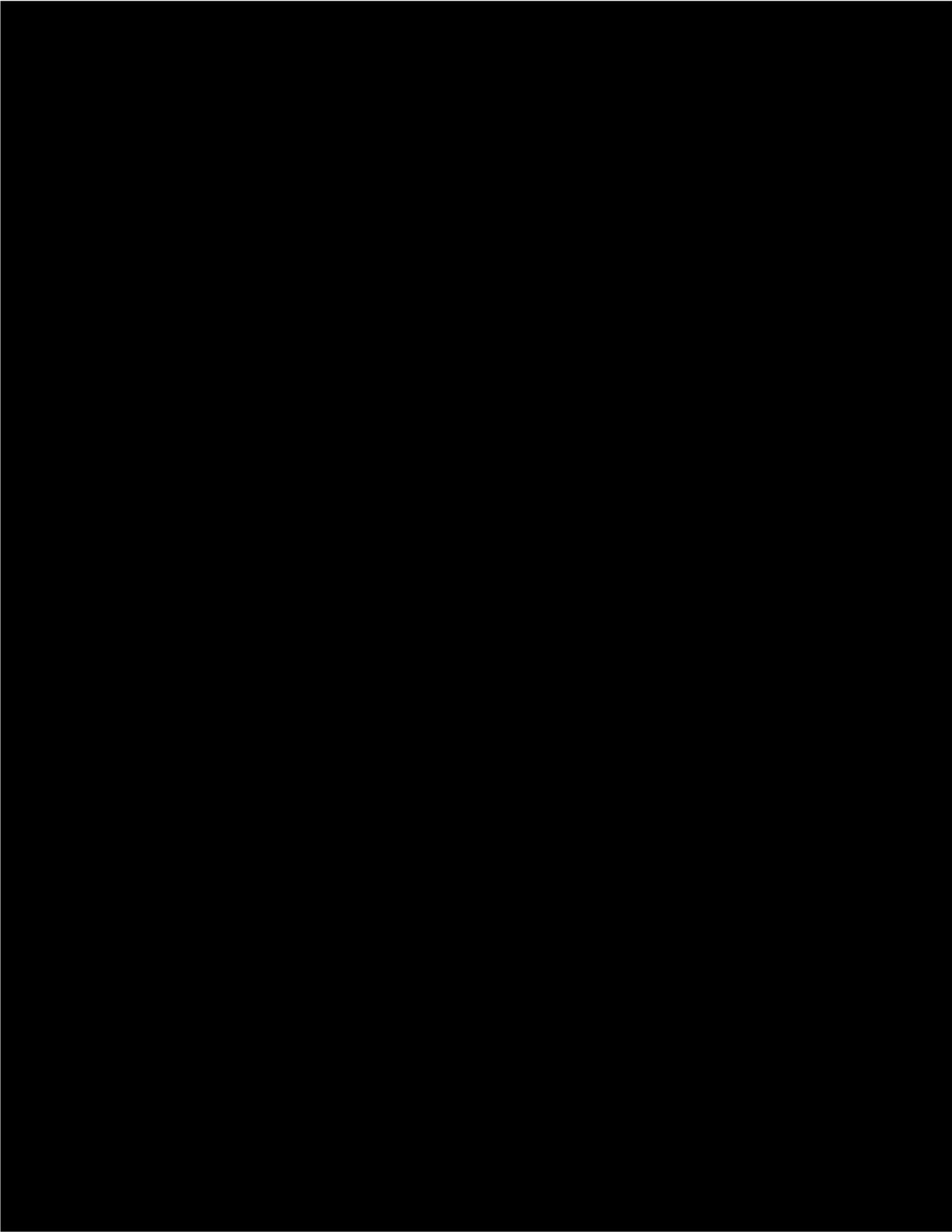


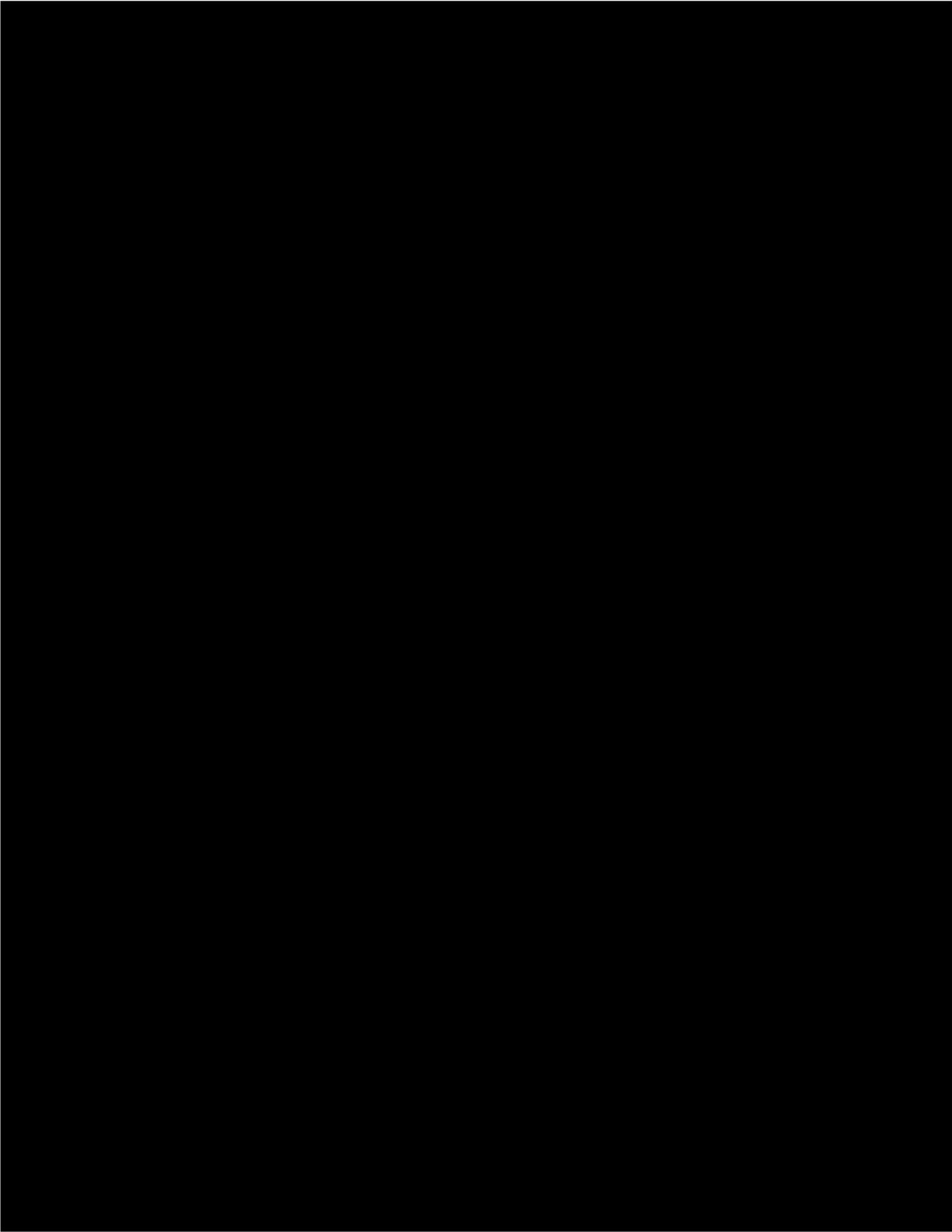


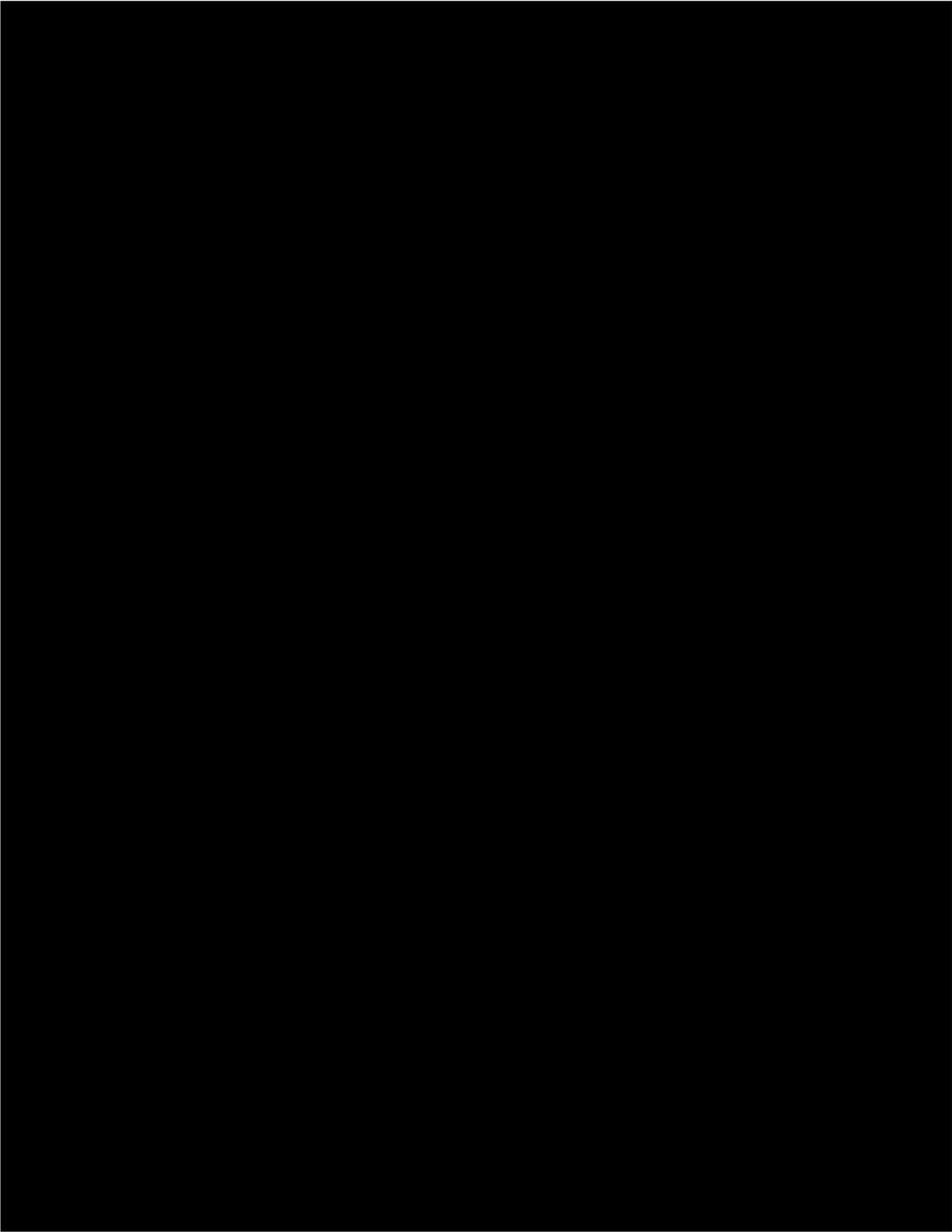


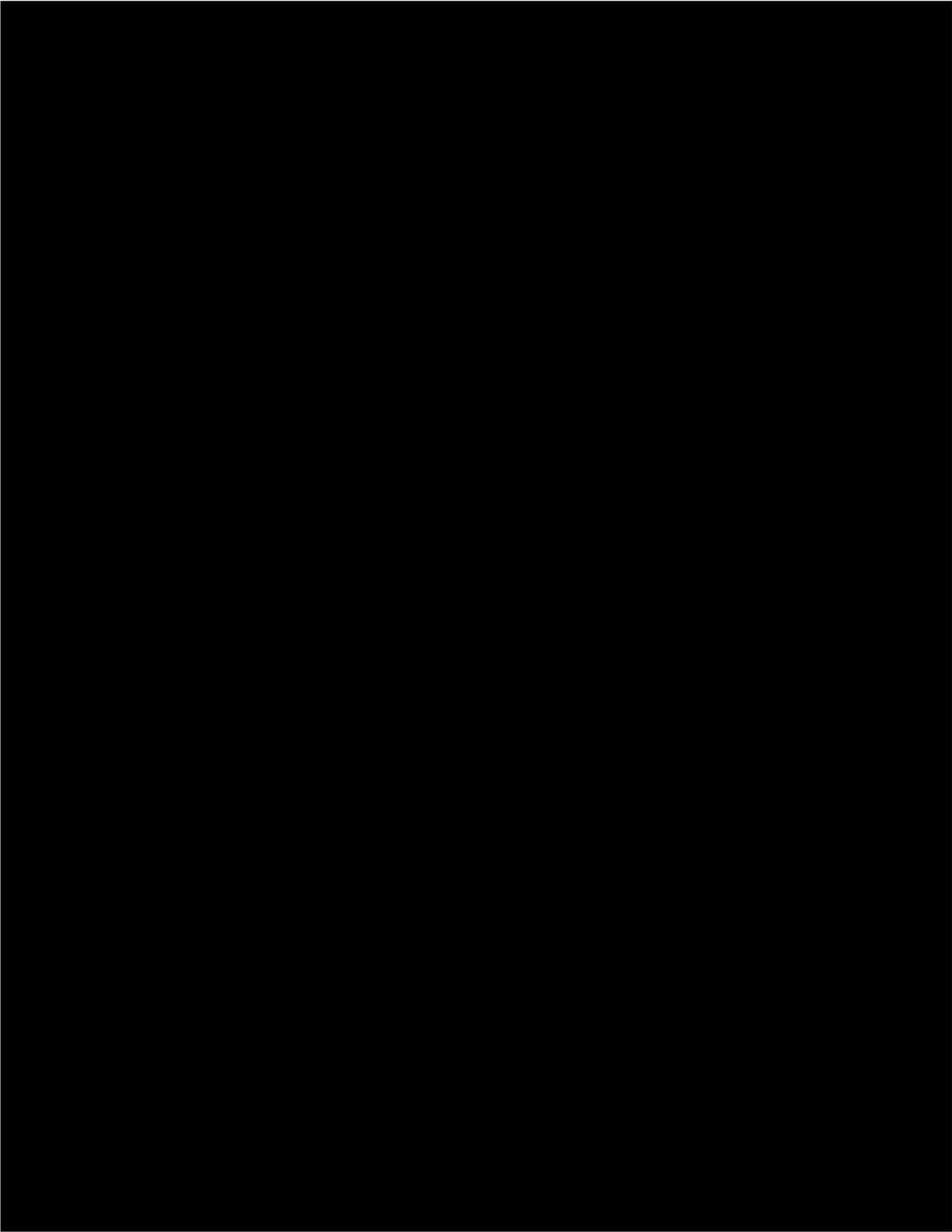


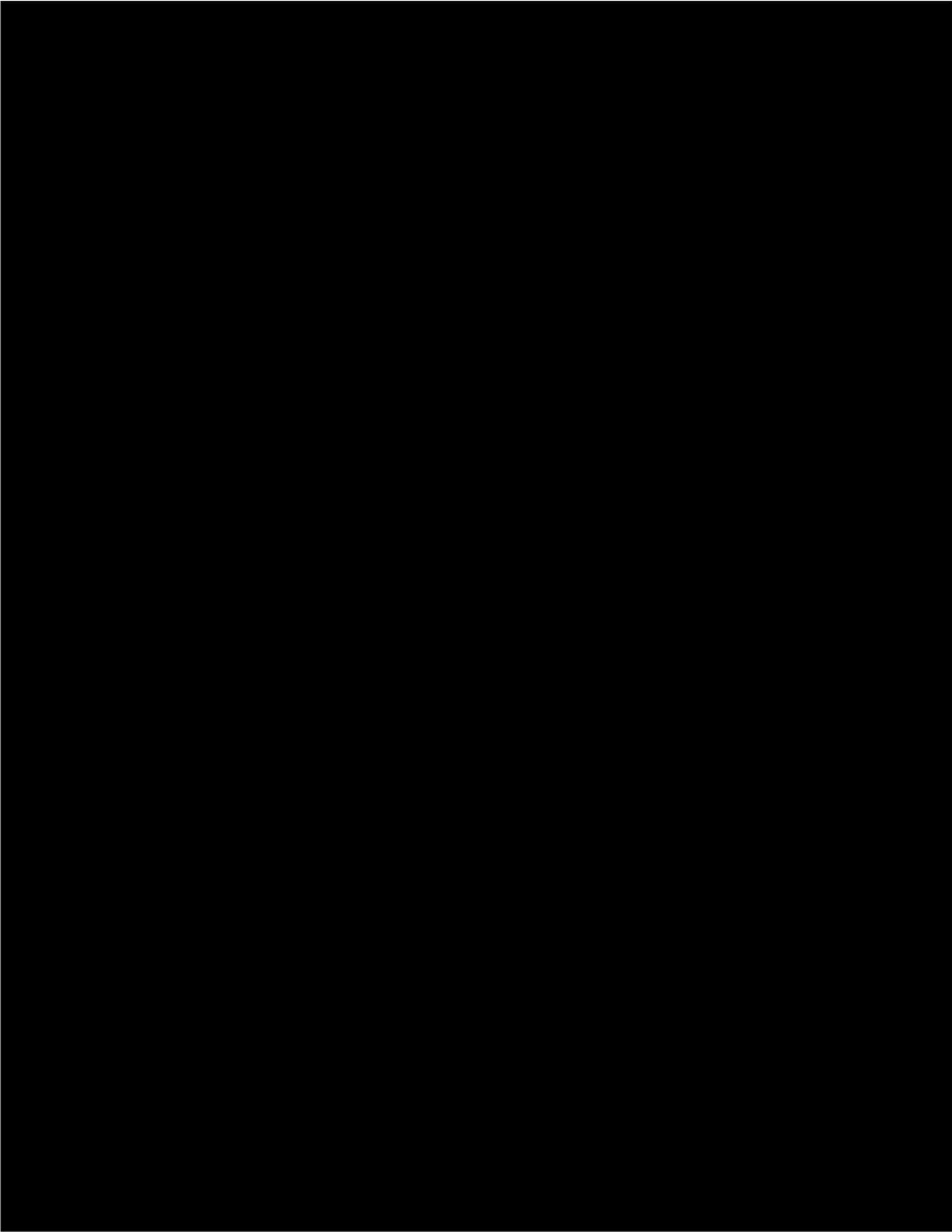


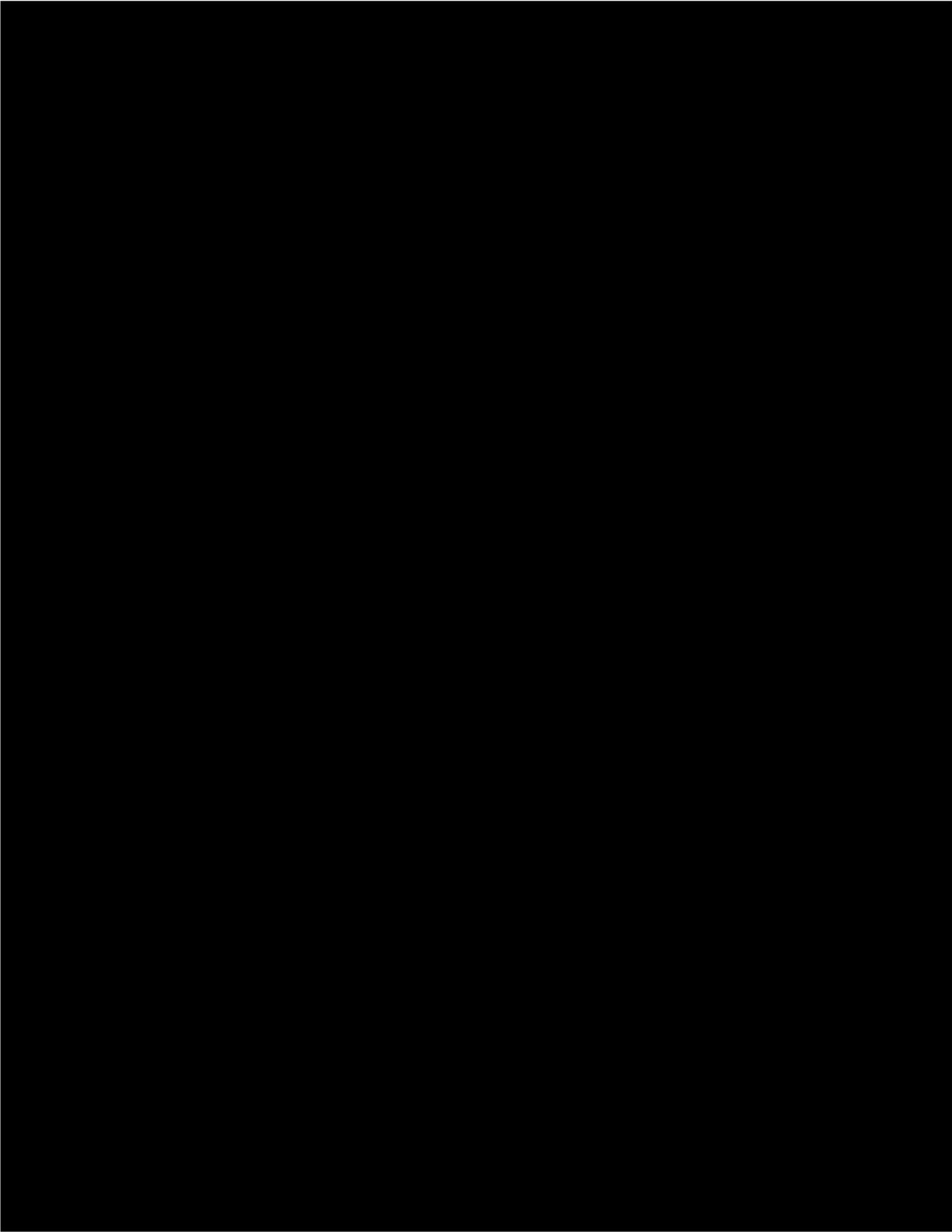


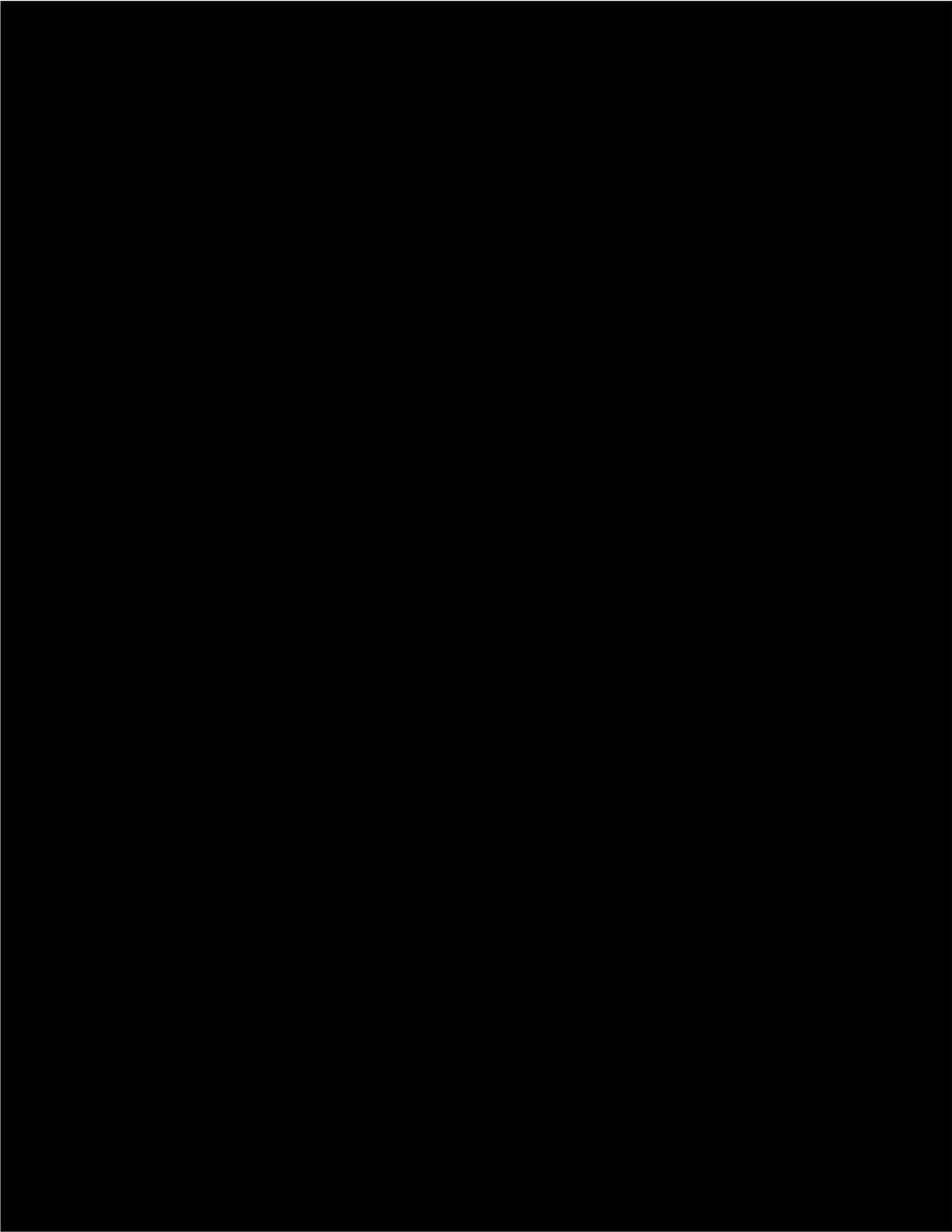


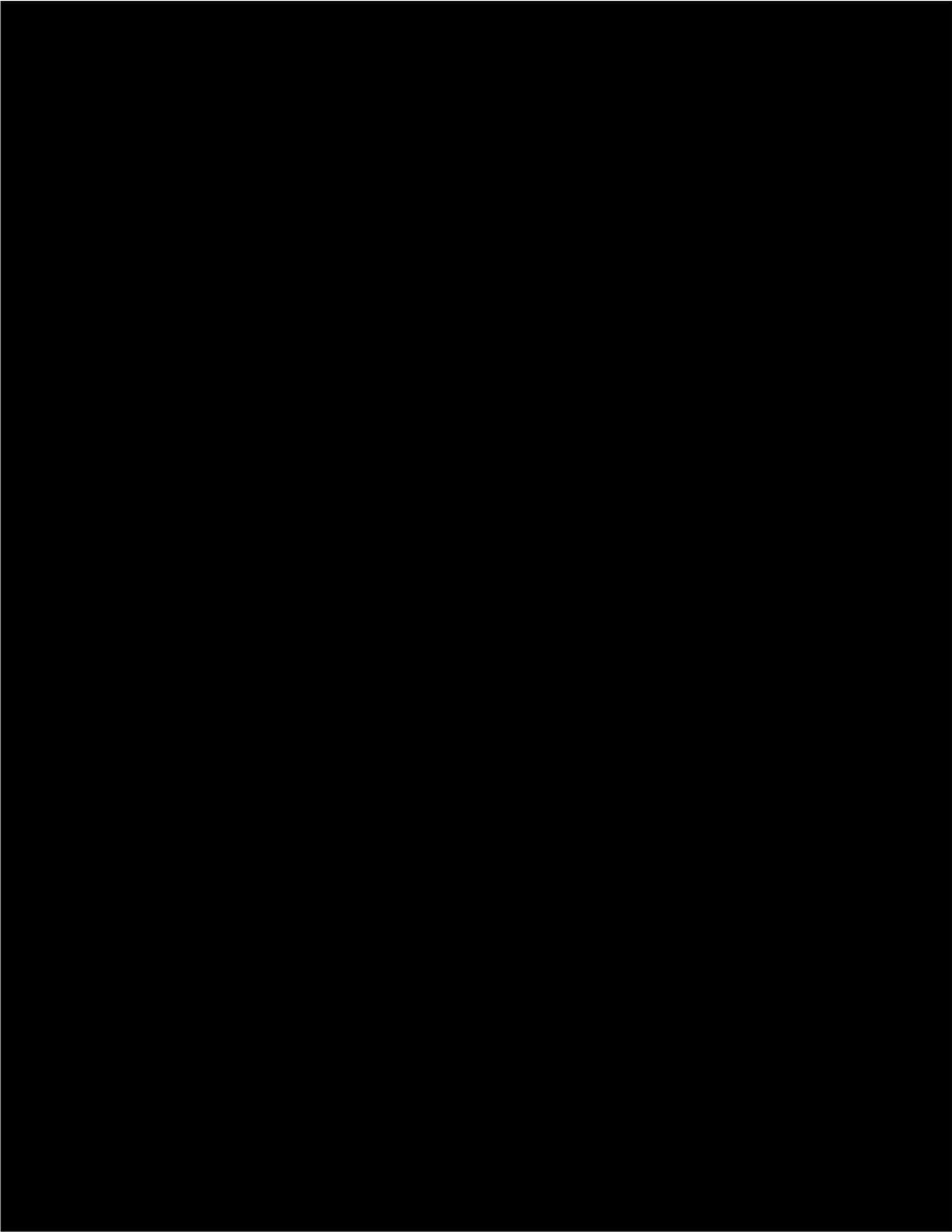


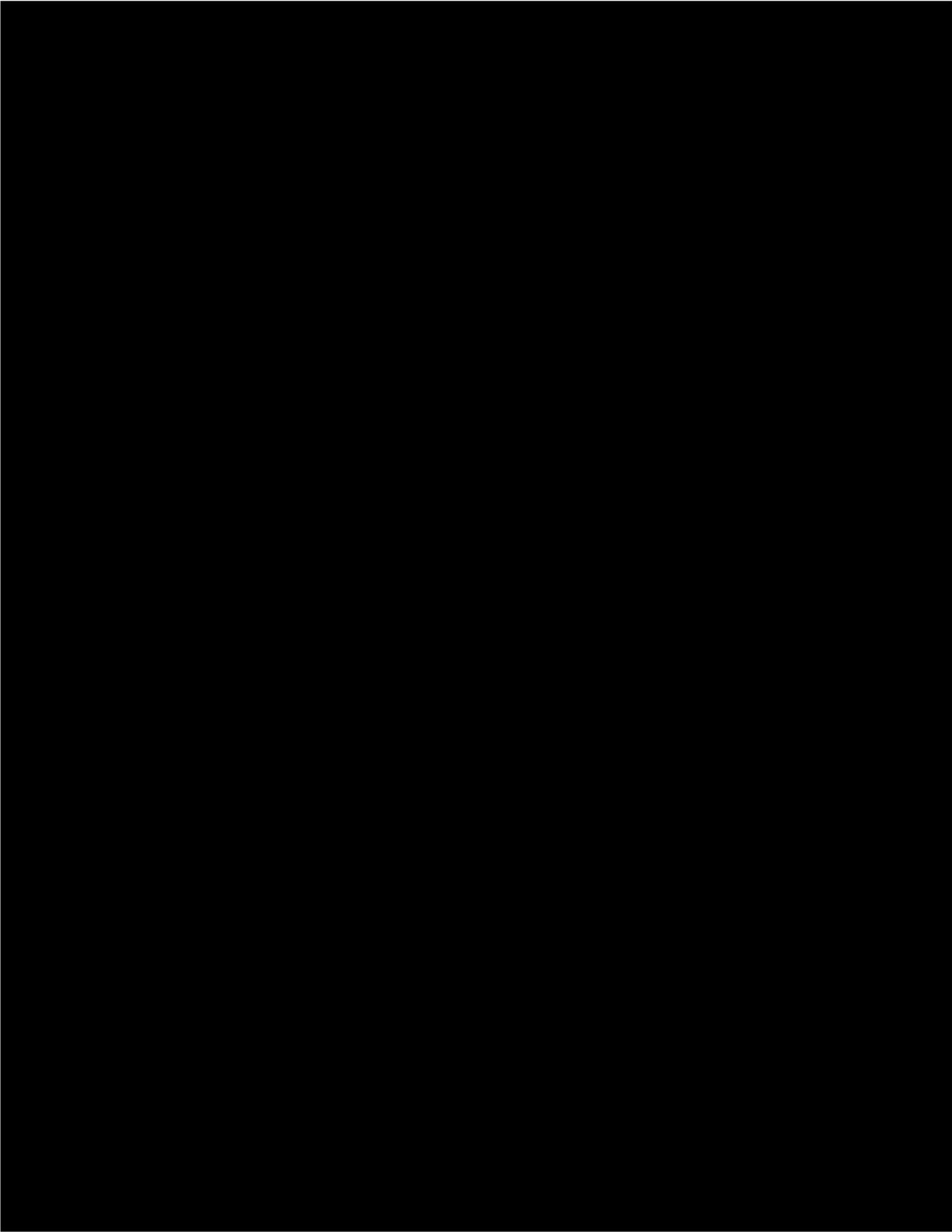


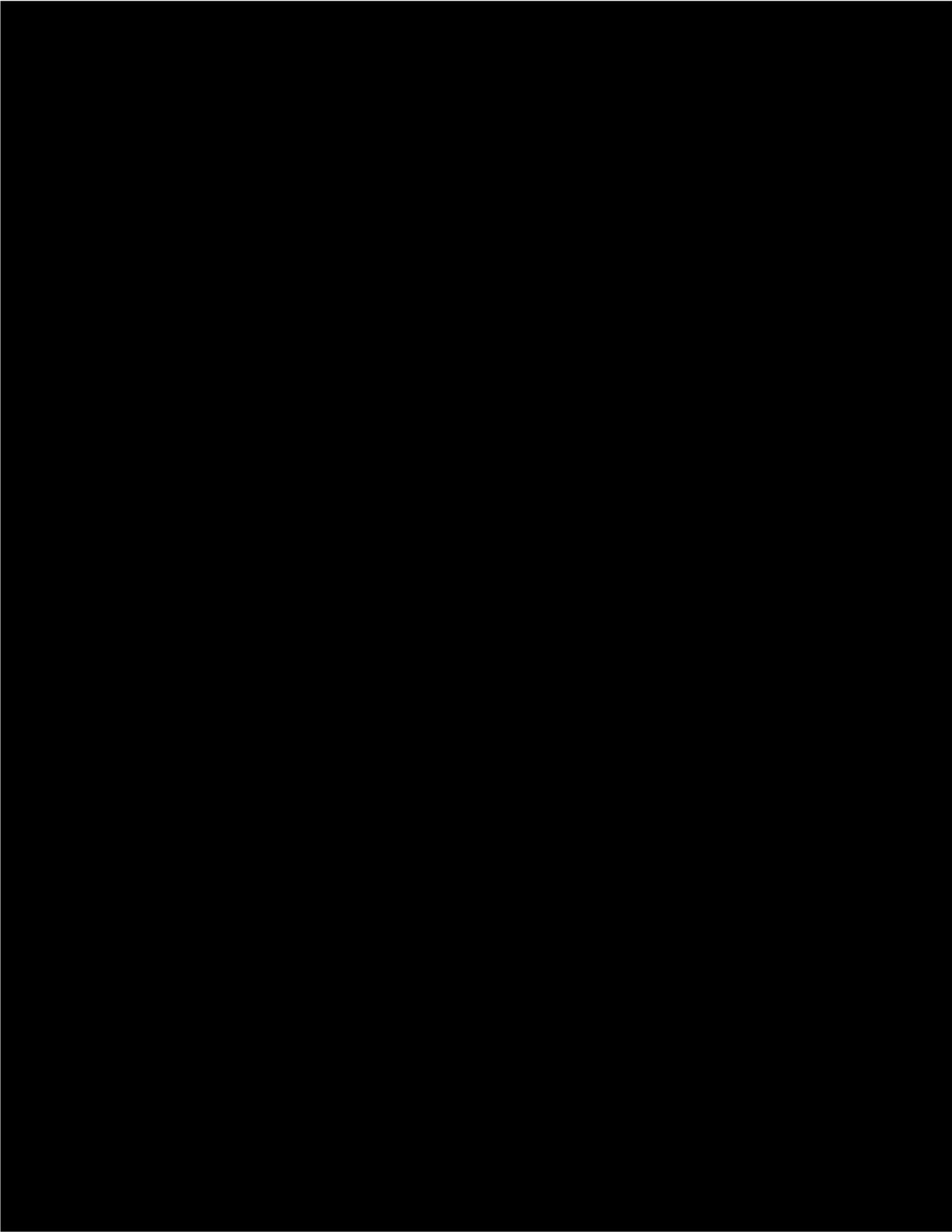


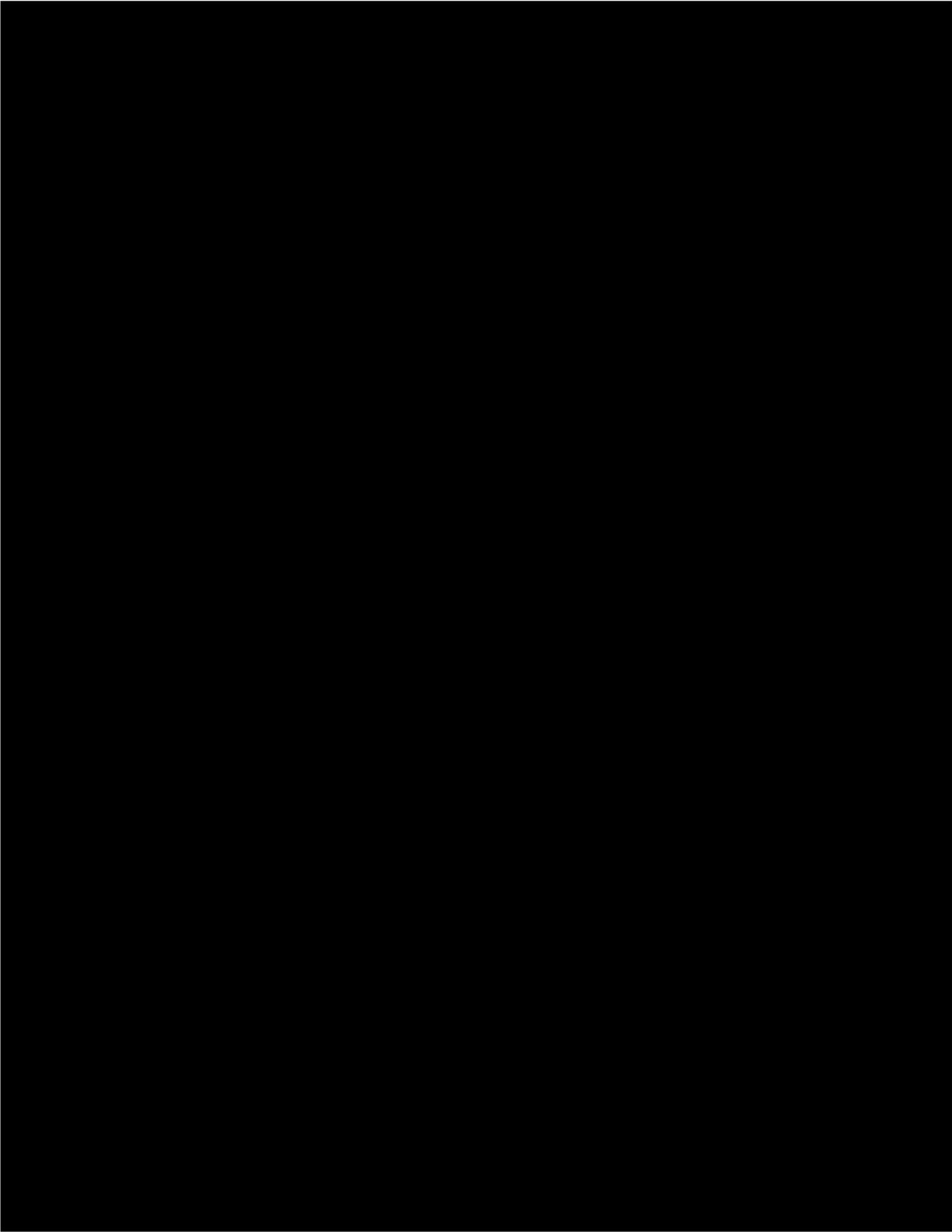


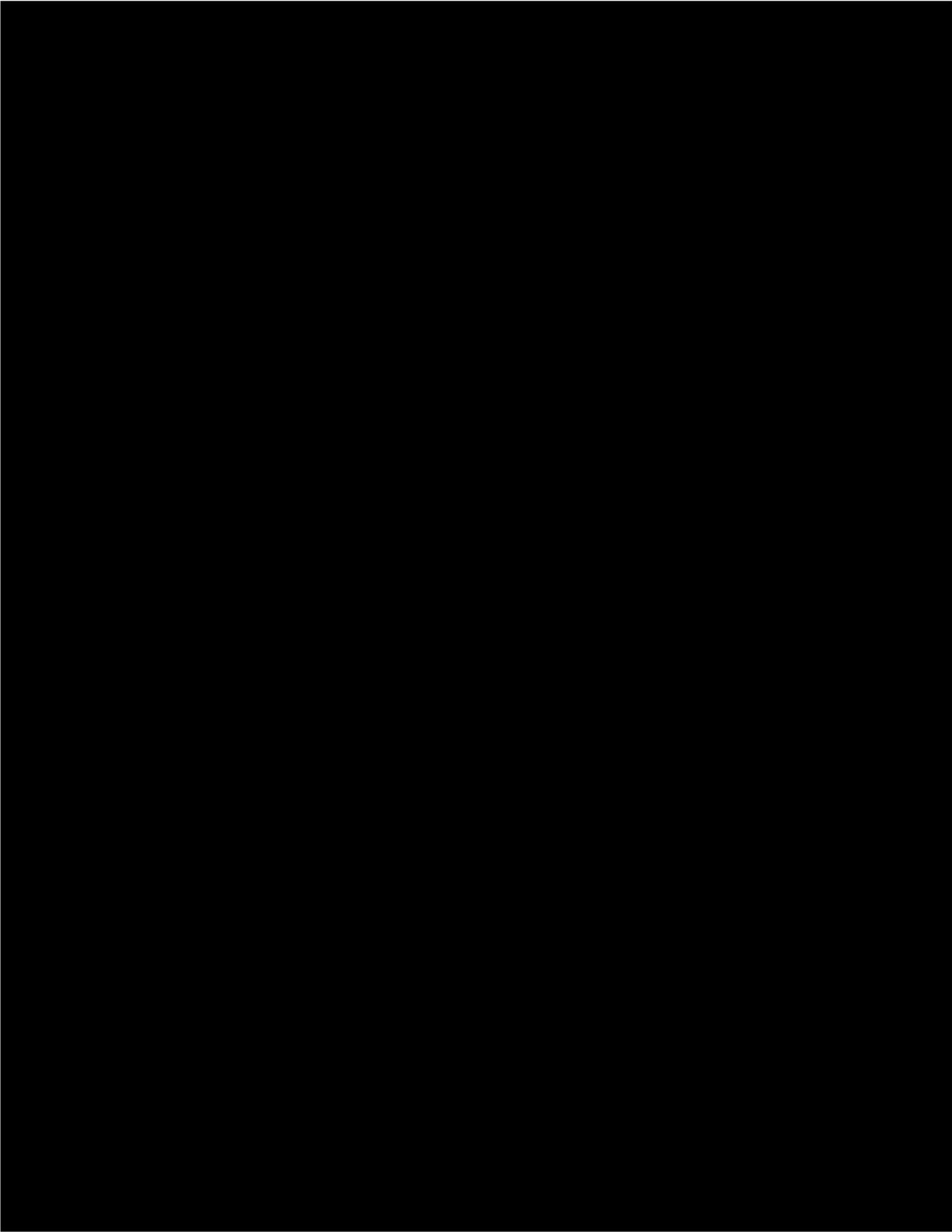


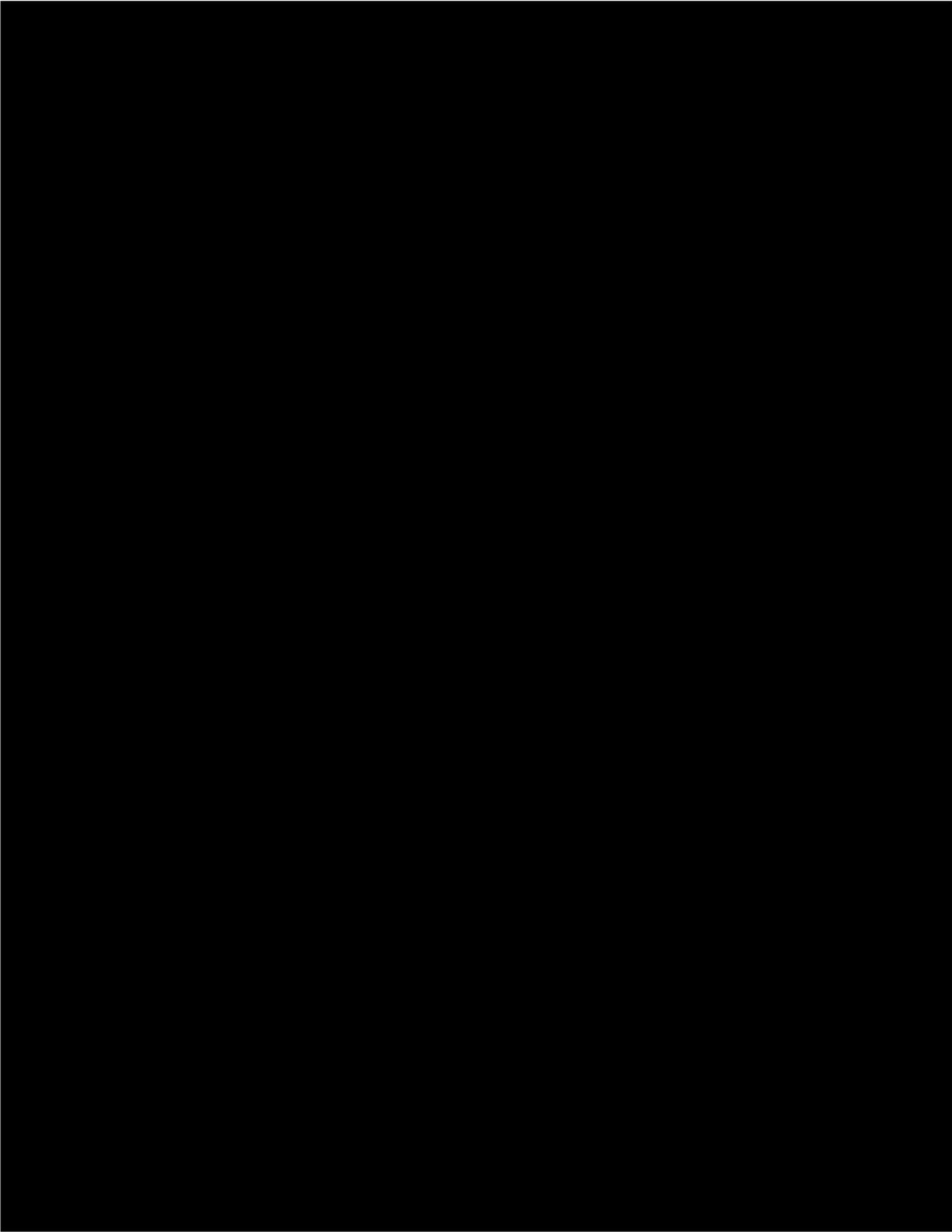


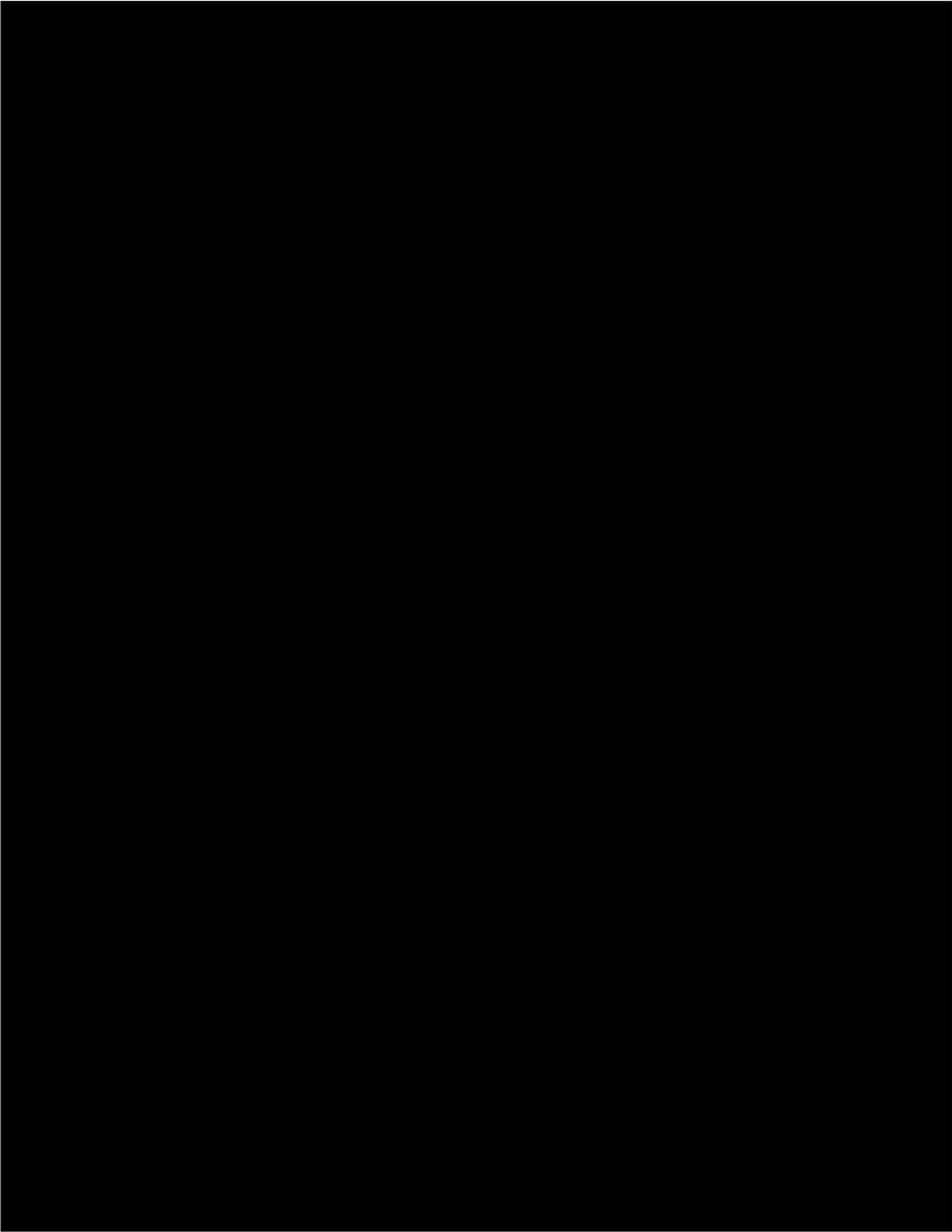


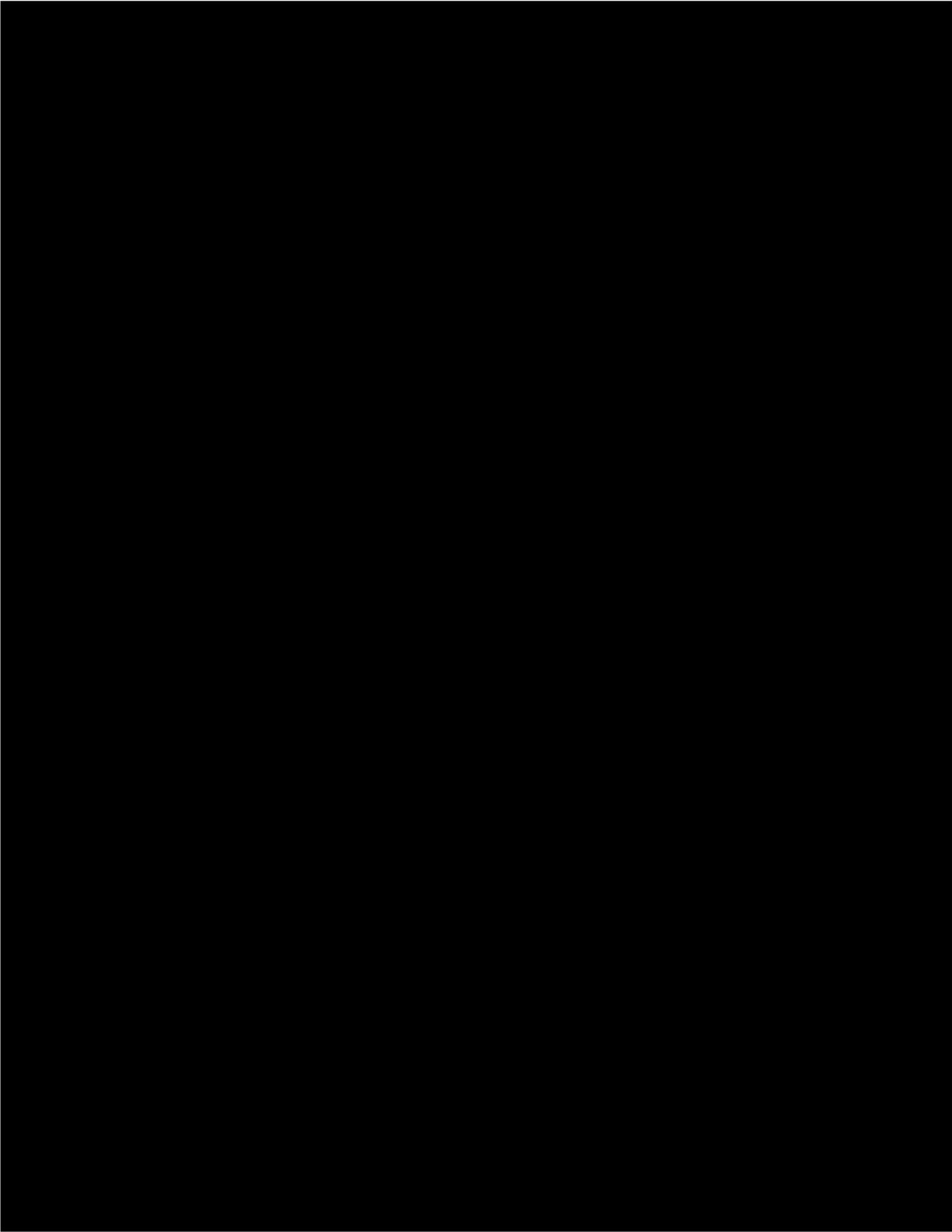


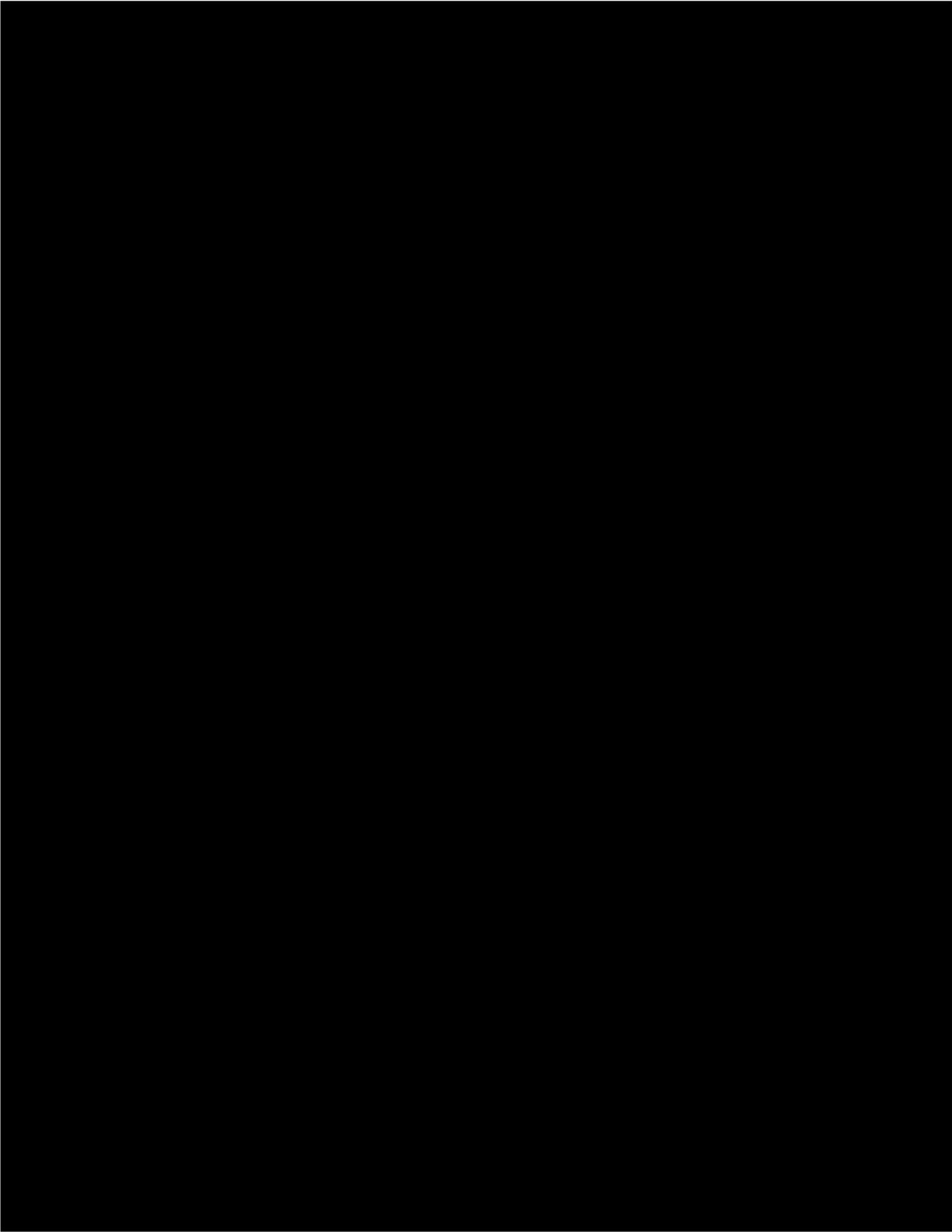


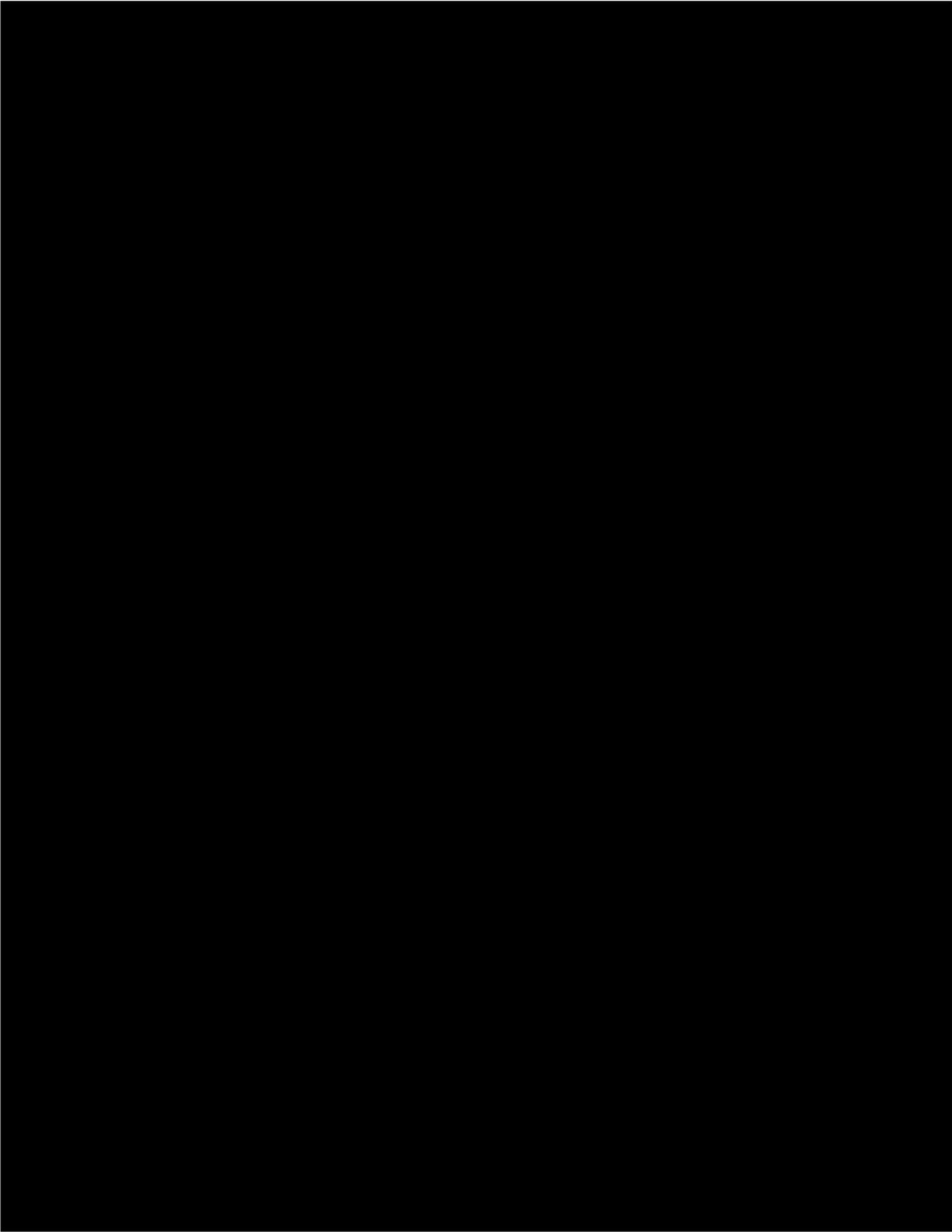


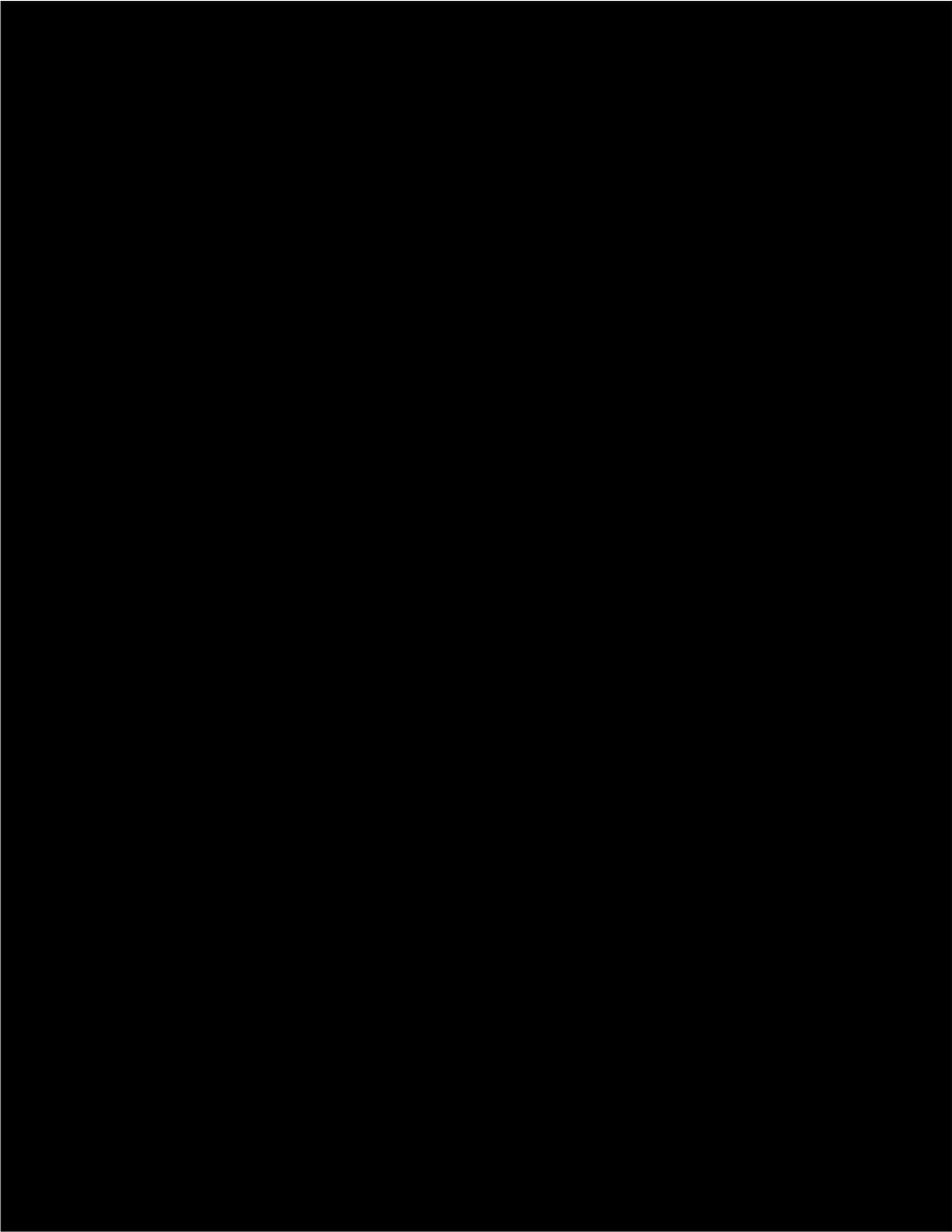


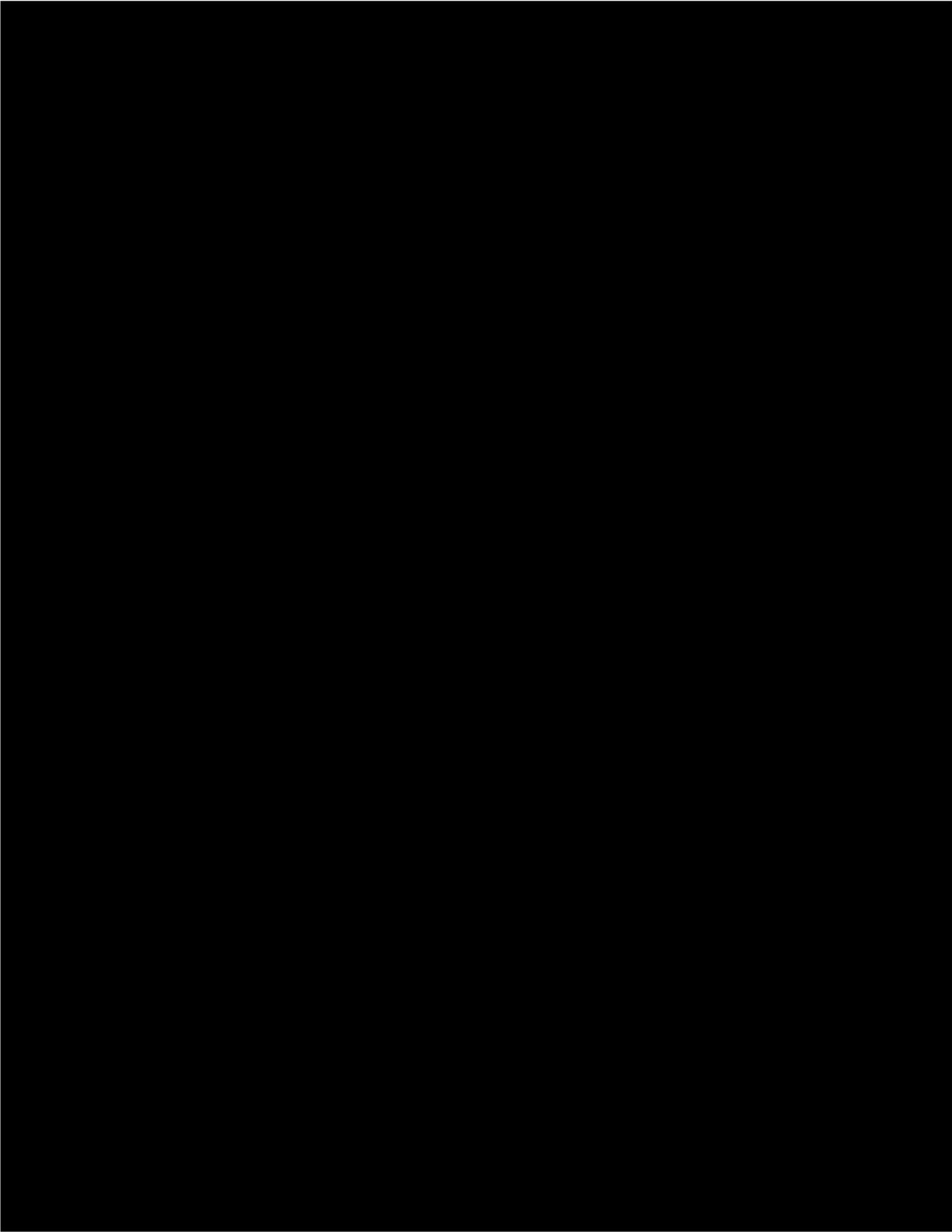


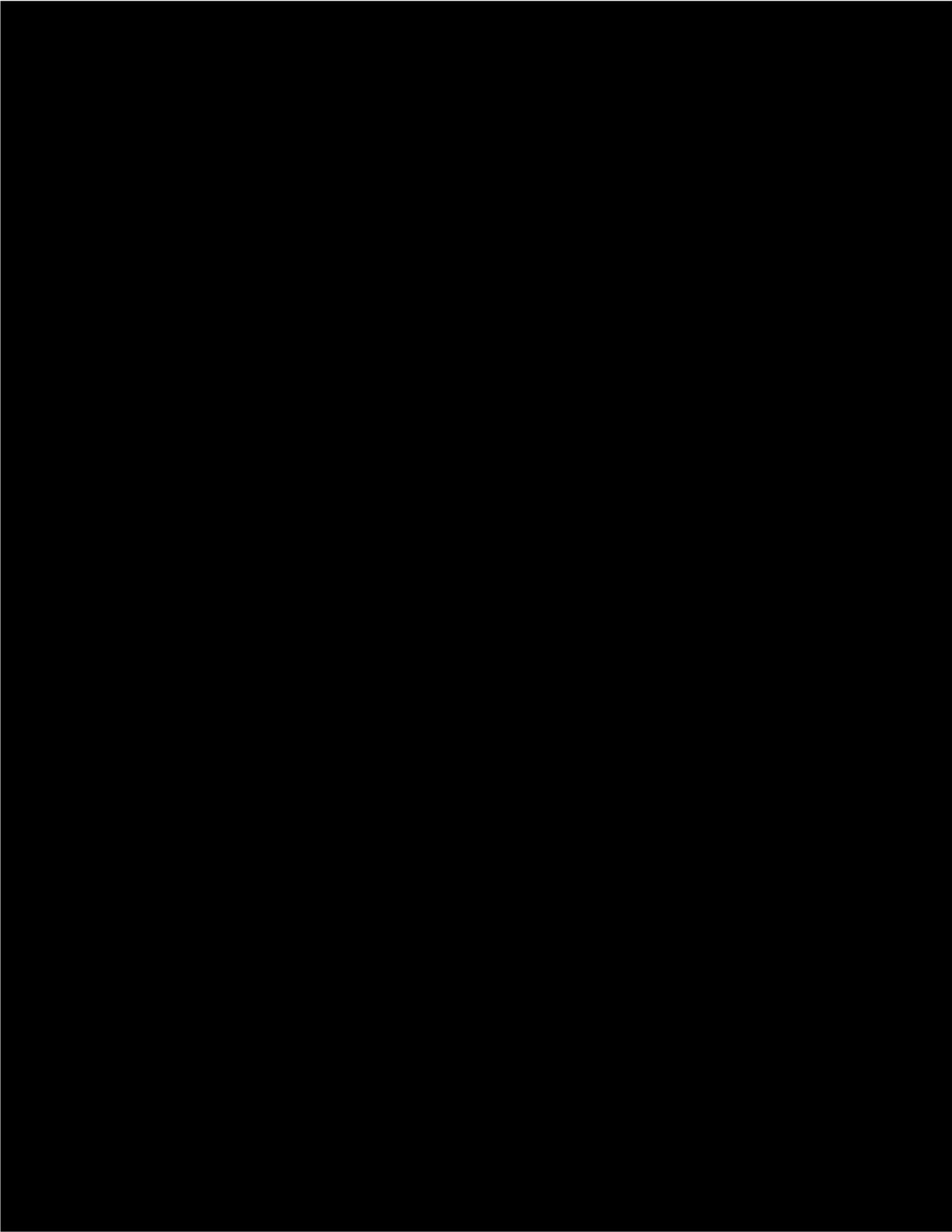


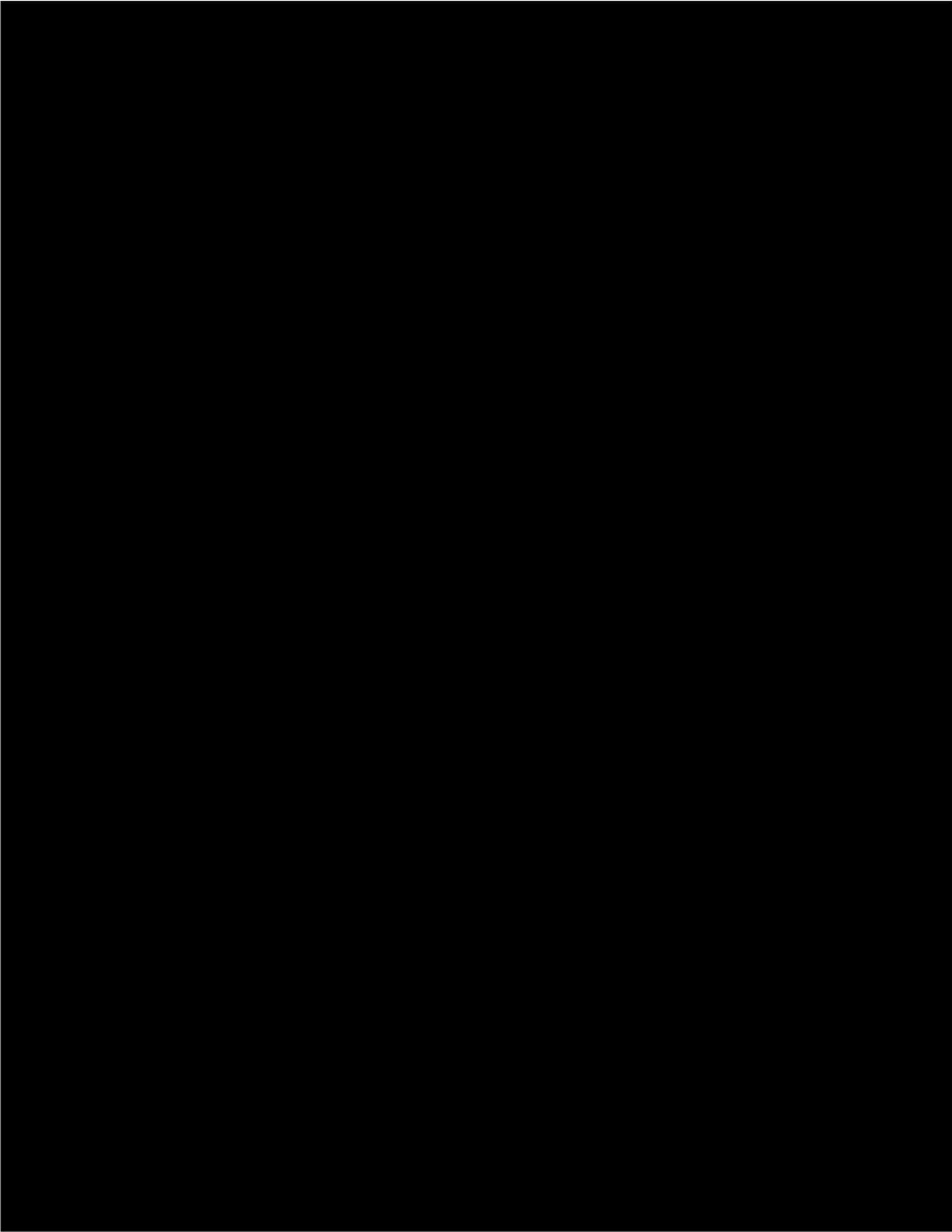


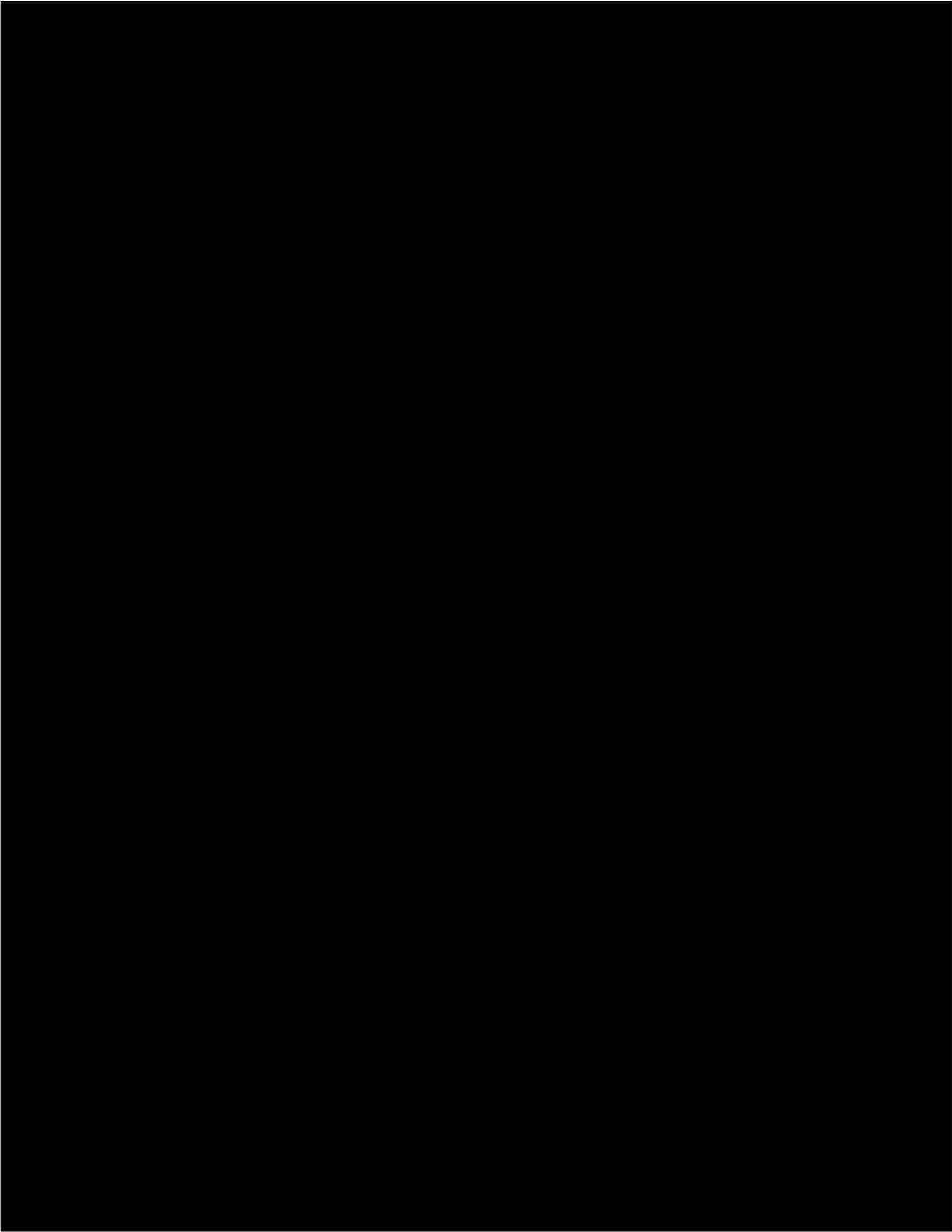














Arkansas
State Claims Commission

JUL 11 2023

RECEIVED

July 11, 2023

VIA Email and First Class Mail
ASCCPleadings@arkansas.gov
Kathryn.Irby@arkansas.gov

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline
Lynn Ashcraft, deceased and Permanent Guardian of
[REDACTED] a minor vs. The Arkansas Department of Human Services*
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Kathryn:

Please find enclosed one copy of the claimant's Third Supplemental Answers to Respondent's First Set of Interrogatories and Requests for Production of Documents for filing in the above-referenced matter. A copy of the claimant's Third Supplemental Answers and its attachments are also contained on the enclosed thumb drive in pdf format.

Thank you for your attention to this matter.

Sincerely,

Jim R. Jackson

✓ JRJ/mc
Enclosures

cc/enc.: Brent Gasper, Esq. (via e-mail only)

JIM JACKSON // Attorney at Law

700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528

501.823.3610
Fax: 501.823.3611

Jim@JimJacksonAtty.com

www.JimJacksonAtty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL
ADMINISTRATRIX OF THE ESTATE OF
JACQUELINE LYNN ASHCRAFT, DECEASED,
AND HALEY HUDSON AS PERMANENT LEGAL
GUARDIAN OF [REDACTED]
[REDACTED] MINOR CHILDREN

CLAIMANT

v.

CC No. 230641

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

RESPONDENT

**CLAIMANT'S THIRD SUPPLEMENTAL ANSWERS TO
RESPONDENT'S FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Comes now the Claimant, Haley Hudson, and for her Third Supplemental Answers to the respondent's First Set of Interrogatories and Requests for Production of Documents, states:

INTERROGATORY NO. 1: Please identify each person who may have knowledge or discoverable information relating to the claims or defenses to this claim and state briefly the nature of the knowledge or discoverable information had by each person identified.

RESPONSE: Haley Hudson is aware of the persons listed by Arkansas State Police Trooper James Ray in the accident report who have information regarding how the accident occurred in addition to the information that [REDACTED] possess. Kimmy Corley is the mother of the minor child who was in the back seat. Ms. Corley lived at [REDACTED] [REDACTED] at the time of the wreck. Bobby Dale Wilson, [REDACTED] [REDACTED] is the name and address listed in the accident report. Mr. Wilson was the driver of the tractor trailer rig that was approaching Ms. Ashcraft's vehicle at the time it was rear-ended by Jennifer Wilkerson. Jennifer Wilkerson was the respondent's

employee, and her contact information is presumed to be in your possession. [REDACTED]

[REDACTED] live with Haley Hudson at [REDACTED]

The statutory beneficiaries' names and addresses are listed in the claimant's response to Interrogatory No. 12.

The medical providers listed in the medical records previously provided have information regarding the injury sustained. The billing manager at Brotherton Brothers Funeral Homes, P.O. Box 192, Charleston, AR, and P.O. Box 482, Paris, AR 72855, has information regarding the statement for the funeral and services for Ms. Ashcraft. Attached is a copy of the invoice from Brotherton Brothers Funeral Homes for the amount of \$1,195.95.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 1: The medical providers listed in the attached medical records for [REDACTED] from Logan County EMS have information regarding the injuries she sustained.

Arkansas State Crime Laboratory personnel may have information related to the accident, which is the subject of the claimant's Complaint. Attached are toxicology reports upon Jennifer Wilkerson and Jacqueline Ashcraft.

Jessica Capo is the mother of Kim Corley. Ms. Capo is the owner of the home located at [REDACTED] Ms. Capo and Ms. Corley arrived at the scene of the wreck shortly after it occurred.

INTERROGATORY NO. 10: Please describe with particularity the employment history for Jacqueline Ashcraft for the five (5) year period prior to June 11, 2021, including dates of employment and compensation.

RESPONSE: Ms. Ashcraft worked at CV's Family Foods, 1004 E. Walnut St., Paris, AR 72855; Family Dollar, 1800 Falls Blvd., Wynne, AR 72396; Dollar General, 1911 Falls Blvd., Wynne, AR 72396; Johnson's Fish House & Diner, 329 US-64, Wynne, AR 72396. Haley Hudson is not certain of the dates or years of employment by Ms. Ashcraft.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 10: See attached income tax information provided by the Arkansas Department of Finance and Administration upon Jacqueline Ashcraft for 2018, 2019, and 2020.

INTERROGATORY NO. 12: Please provide the name, address, email address, and telephone number of all lay witnesses whom Claimant may call at trial of this matter and for those persons identified, please state the anticipated subject matter of their testimony.

RESPONSE: Jennifer Wilkerson, Bobby Wilson, Trooper James Ray, [REDACTED] [REDACTED] will testify on liability. Haley Hudson, [REDACTED] [REDACTED] Mark Hudson, [REDACTED] (adult son), Dalton Cody Ashcraft, [REDACTED] (adult son), and LaDonna Jackson, [REDACTED] [REDACTED] mother), will testify regarding damages and their respective mental anguish claims.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 12: The claimant reserves the right to call as a lay witness any of the medical providers for Jacqueline Ashcraft, [REDACTED] as identified in the medical records that have been provided to the respondent. The claimant reserves the right to call as lay witnesses Arkansas State Crime Laboratory personnel. The claimant reserves the right to call Jessica Capo and Kim Corley as lay witnesses. The claimant reserves the right to call as lay witnesses any person listed by the respondent as a lay witness and any person identified by either party in discovery, as well as any witness de posed in this matter.

INTERROGATORY NO. 24: Please provide the names, addresses, and phone numbers for all medical professionals, including without limitation physicians, nurses, therapists, counselors, physical therapists, consulting healthcare providers, and homeopaths, that treated, in whole or in part, the minor children for injuries sustained due to the accident at issue.

RESPONSE:

- | | | |
|----|--|------------------------------------|
| 1. | Mercy Hospital Emergency Room
500 E. Academy St.
Paris, AR 72855 | June 11, 2021 |
| 2. | Mercy Clinic – Paris
Kimberly L. Hertlein, ANP
303 South 5th Street
Paris, AR 72855 | June 17 & 24, 2021 |
| 3. | Scarborough Clinic
Tad R. Scarborough, D.C.
191 N. Killough Road
Wynne, AR 72396 | July 12, 2021 |
| 4. | The Belinga Clinic
Steve-Felix Belinga, M.D.
10929 Old Hwy. 71
Fort Smith, AR 72916 | September 14 & 30, 2021 |
| 5. | Wynne Medical Clinic
710 South Falls Blvd.
Wynne, AR 72396 | August 26, 2021 - January 25, 2023 |

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 24: [REDACTED]

was seen at the accident scene by Logan County EMS personnel. Attached are the records upon [REDACTED] from Logan County EMS.

REQUEST FOR PRODUCTION NO. 3: Please produce a complete copy of the insurance policy described in Interrogatory No. 23 (sic) that was in effect on June 11, 2021.

RESPONSE: Haley Hudson does not have the complete copy of the policy. Attached is a hyperlink a copy of every document that American Underwriters has produced.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Please find attached an e-mail dated July 6, 2023, from Brad Willbanks, Executive Specialist, Claims, Crum & Forster, along with a copy of the AUIC policy that was in force on the date your client rear-ended the Ashcraft vehicle at a high rate of speed on Highway 22 in Logan County, Arkansas.

REQUEST FOR PRODUCTION NO. 12: Please produce all documents or exhibits which Claimant plans to use at the trial of this case, including without limitation documents or exhibits which Claimant plans on introducing into evidence and documents or exhibits which Claimant plans to or will use in the direct examination and cross-examination of witnesses at the trial of this case.

RESPONSE: Please see the exhibits attached to Trooper James Ray's deposition taken on February 21, 2023. The claimant has previously provided a copy of the medical records of Jacqueline Ashcraft and [REDACTED]. The report of Dr. Scott will also be introduced as an exhibit. These items can be found in the following four hyperlinks:

[Ashcraft Response to Discovery.pdf](#)

[Crash Scene Photos by Trooper James Ray.pdf](#)

[Ashcraft Mercy Records Bates Stamped.pdf](#)

[REDACTED] [Medical Records.pdf](#)

SUPPLEMENTAL ANSWER TO REQUEST FOR PRODUCTION NO. 12: See attached medical records upon [REDACTED] from Logan County EMS. The claimant reserves the right to introduce or utilize at trial any exhibit attached to a deposition taken in this matter. The Investigative Report prepared by Stanley Cain will be introduced, along with the exhibits attached to his report. The report of Dr. Garrett Andrews and any exhibits thereto will also be utilized at trial. The reports of Stanley Cain and Dr. Garrett Andrews have been previously provided to the respondent. The claimant reserves the right to introduce or utilize at trial any document produced by either party during discovery or attached as an exhibit to any deposition taken by either party in this case.

See attached income tax information provided by the Arkansas Department of Finance and Administration upon Jacqueline Ashcraft for 2018, 2019, and 2020.

Respectfully Submitted,

Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

By: */s/ Jim Jackson*

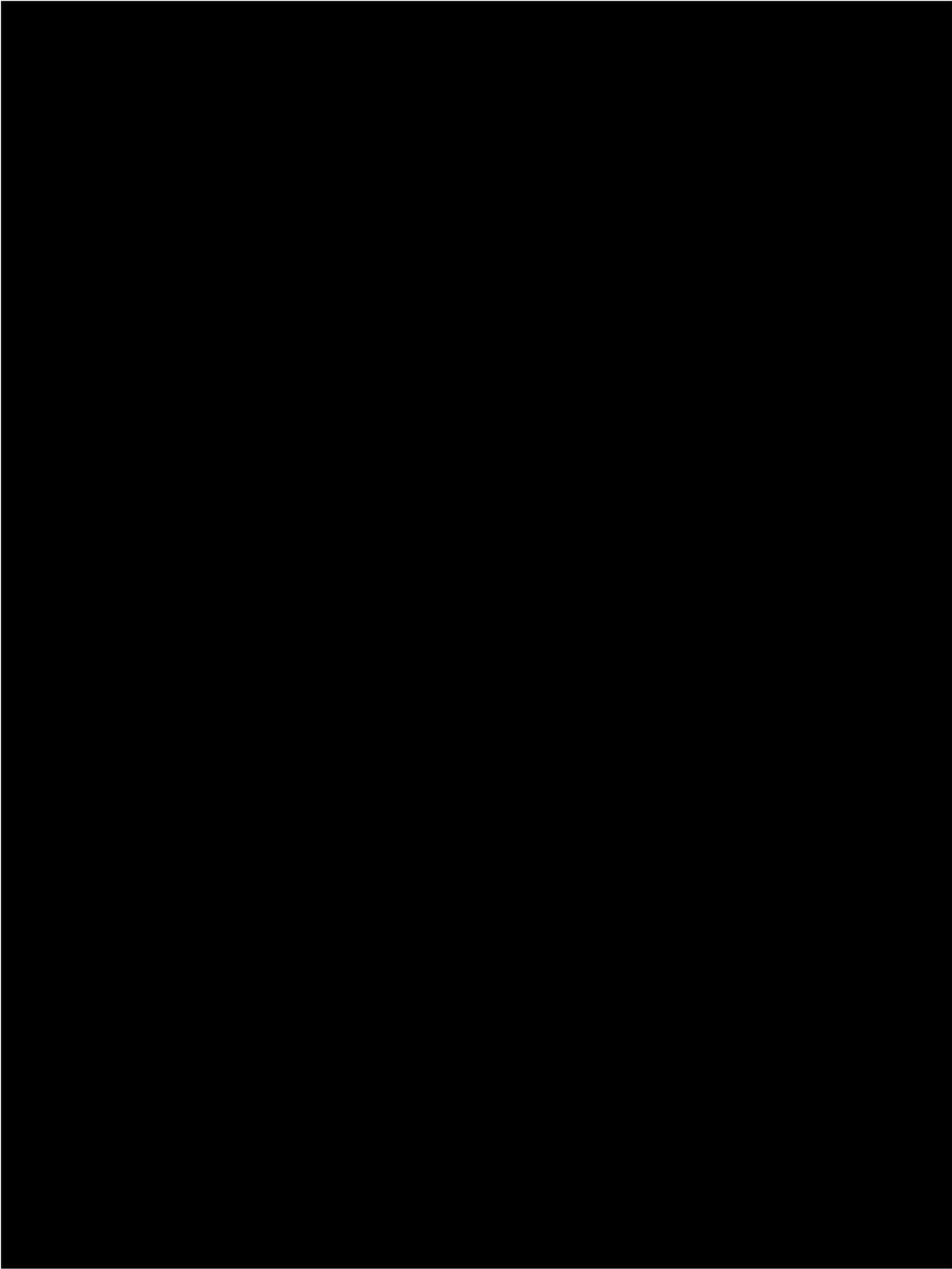
Jim R. Jackson
Arkansas Bar No. 93209

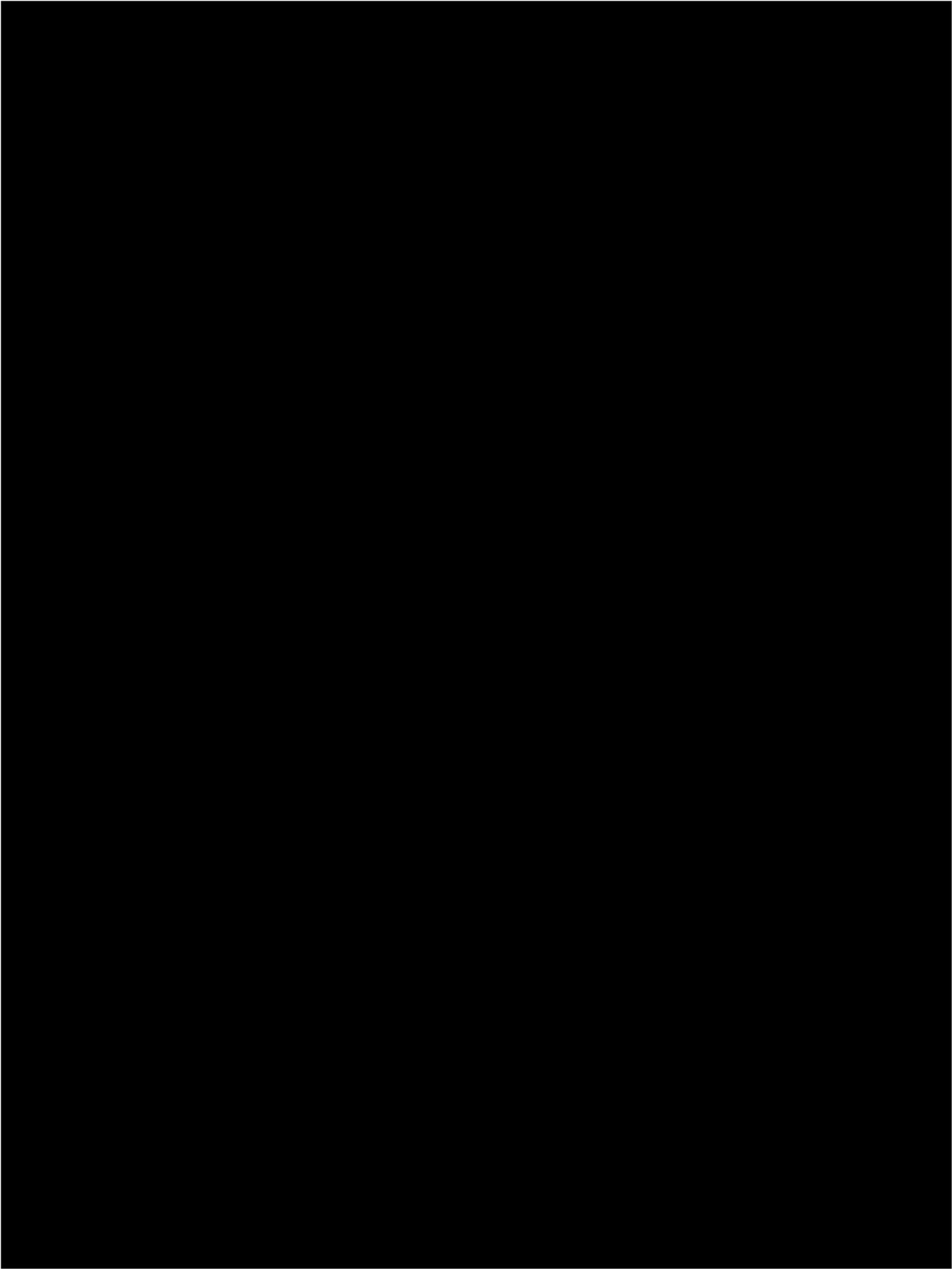
CERTIFICATE OF SERVICE

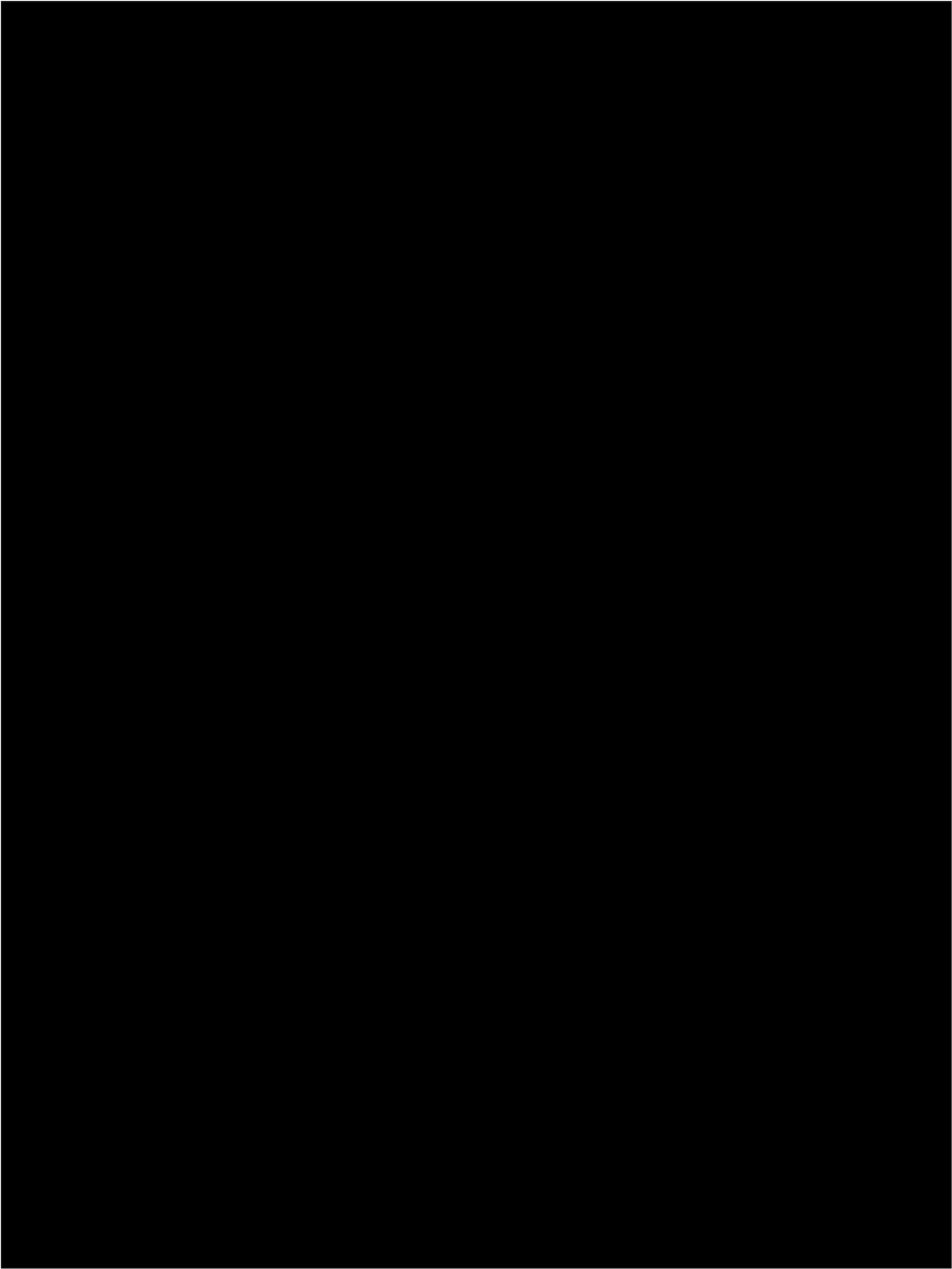
I, Jim R. Jackson, hereby certify that I have filed a copy of the foregoing Claimant's Third Supplemental Answers to Respondent's Interrogatories and Requests for Production of Documents with the Arkansas Claims Commission and served a copy upon the respondent's attorney, Brent P. Gasper, via email.

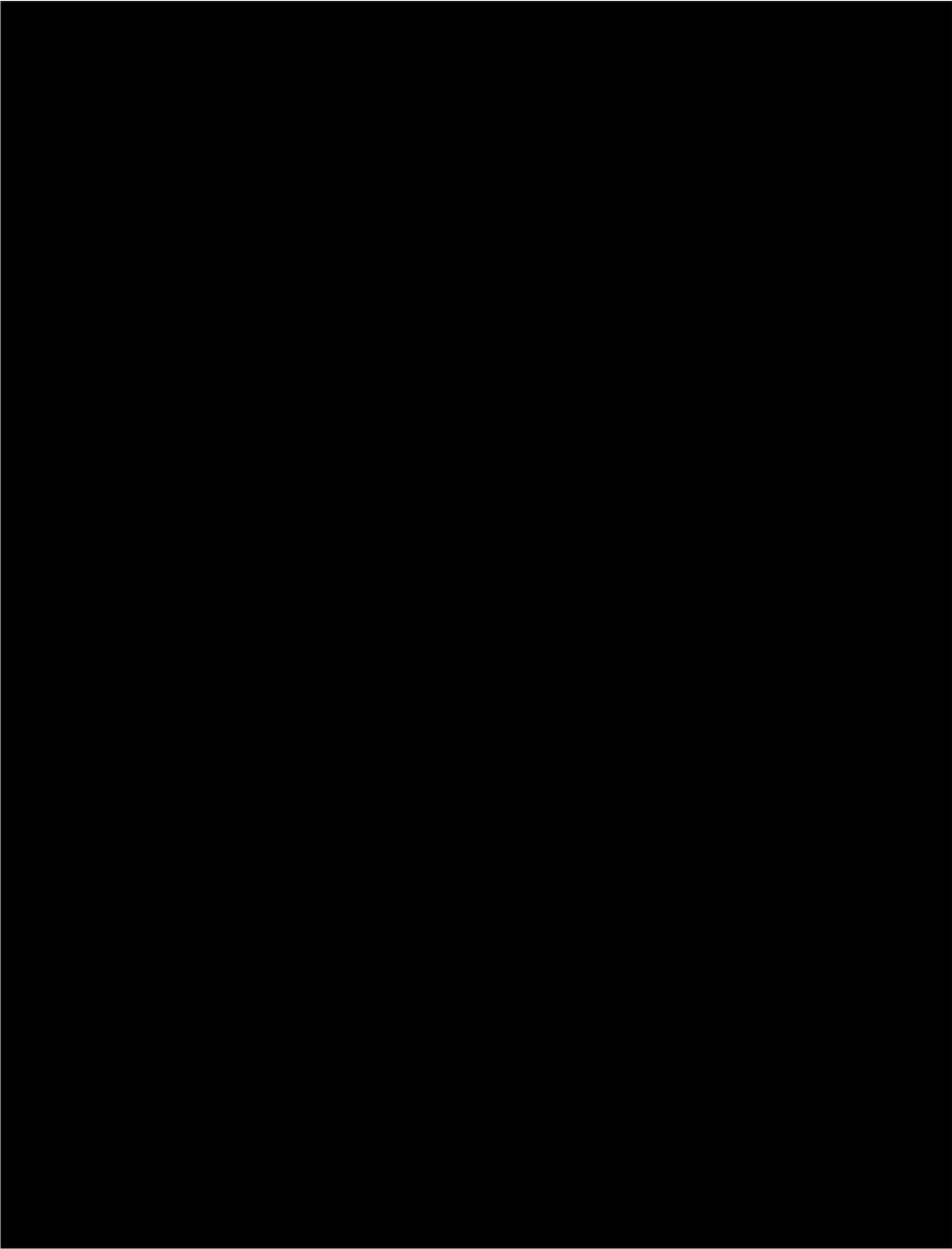
/s/ Jim Jackson

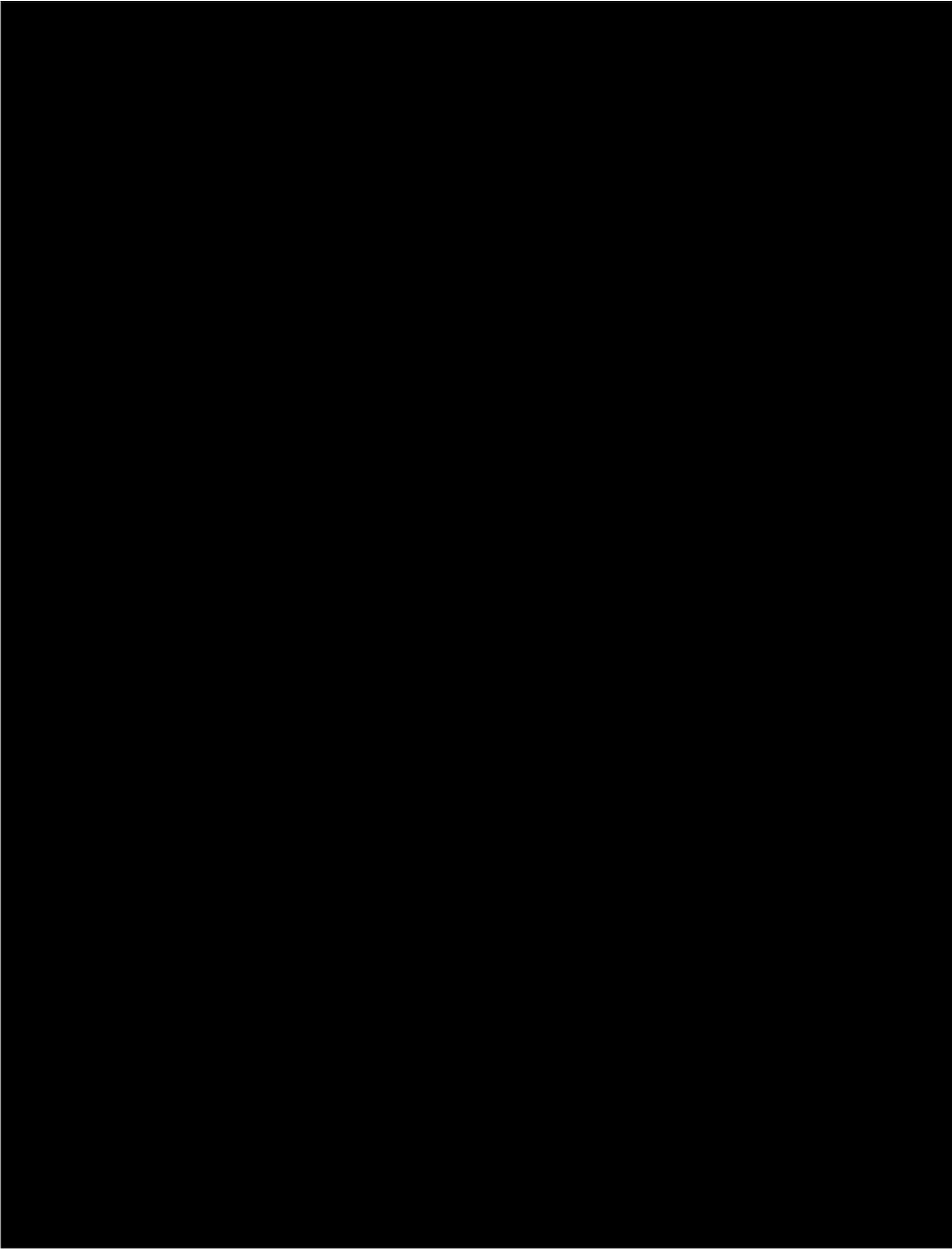
Jim R. Jackson

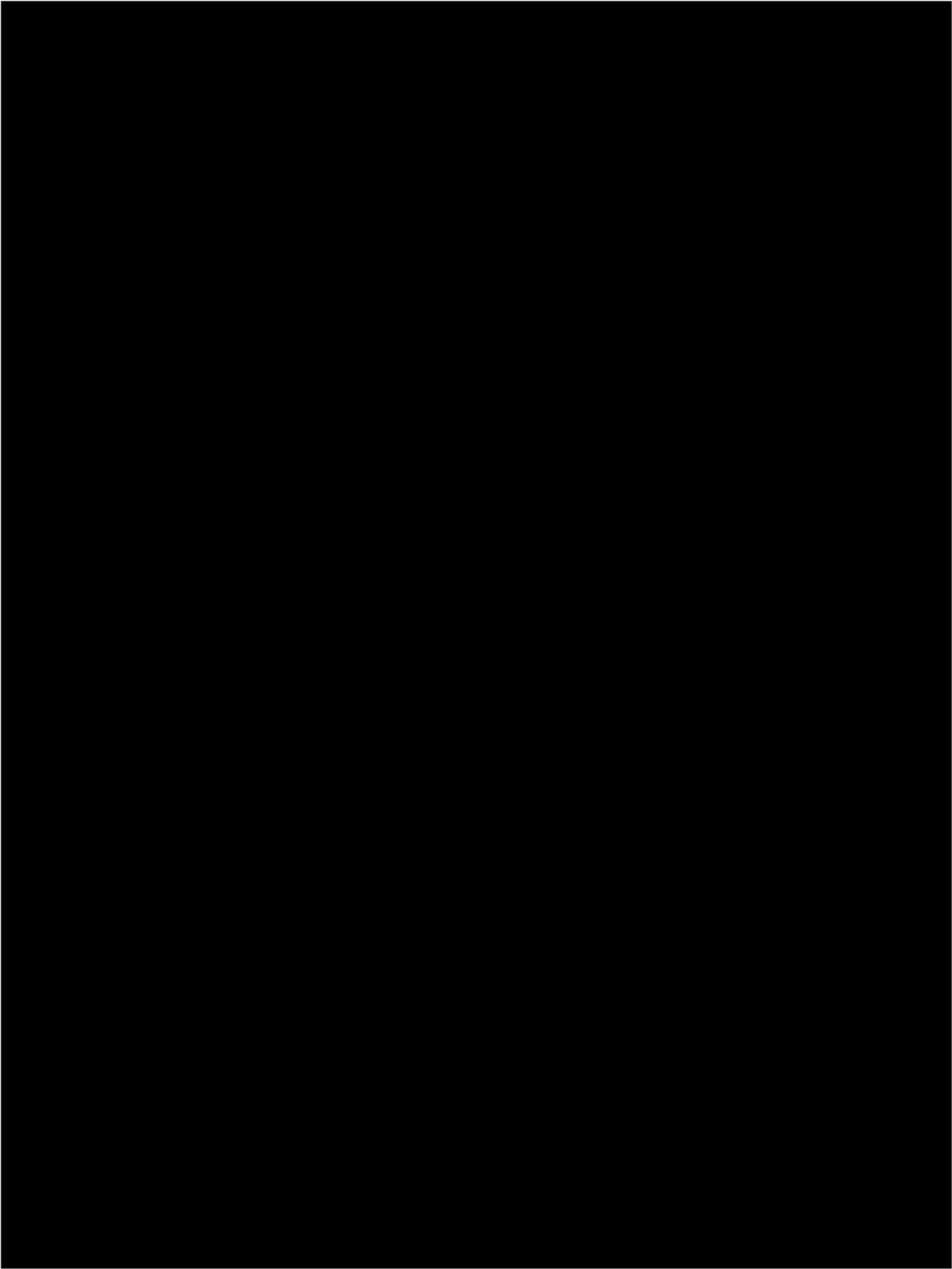


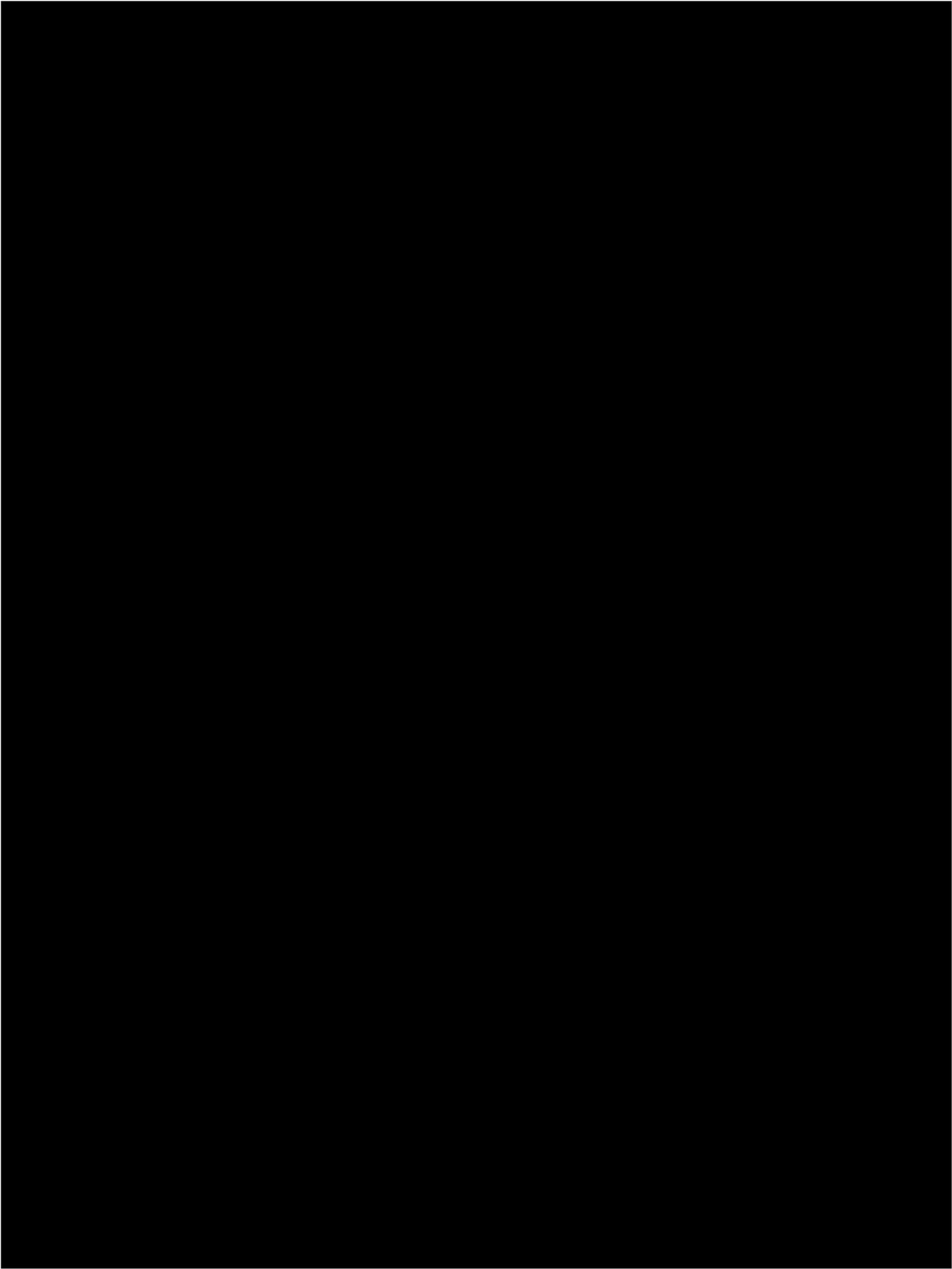


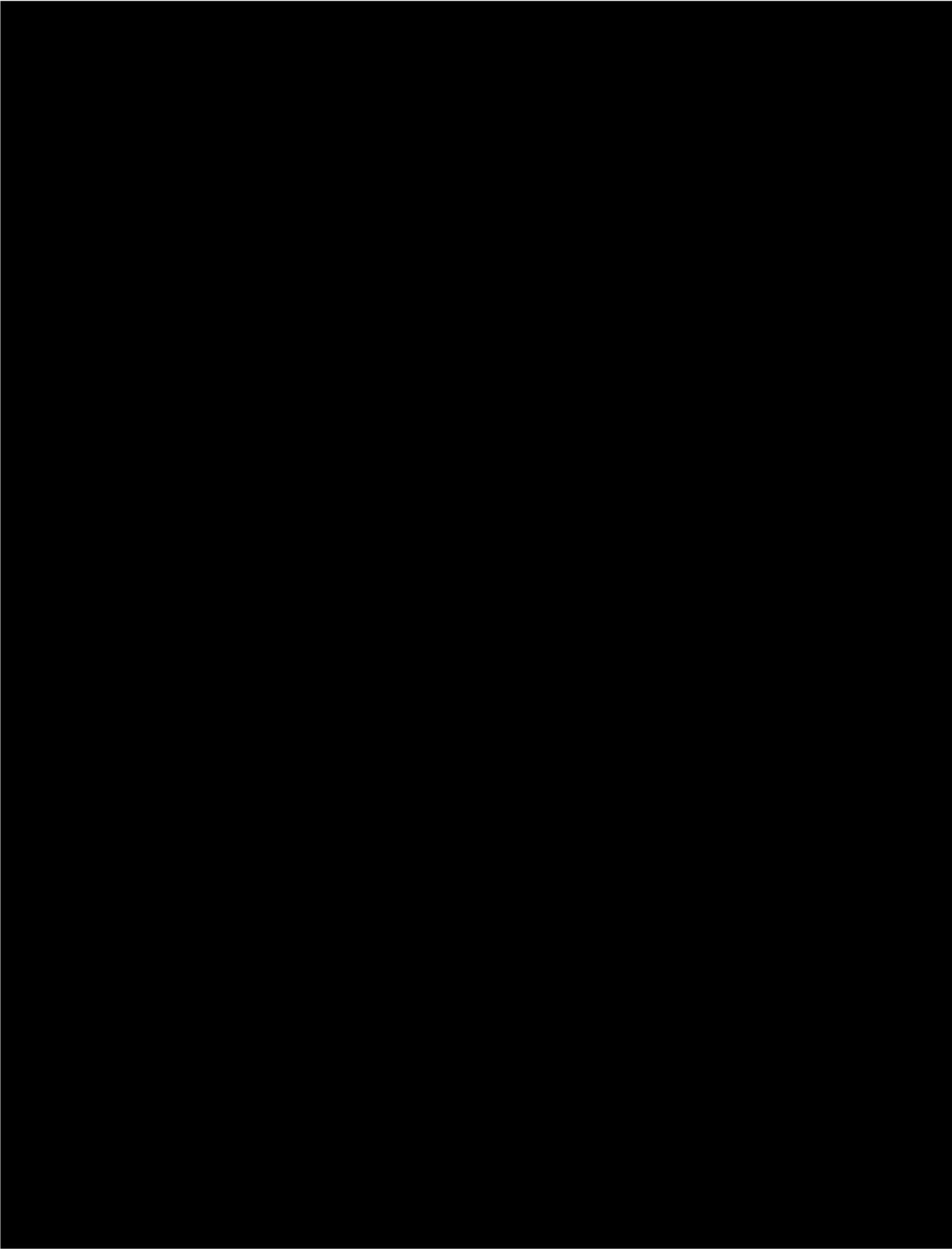


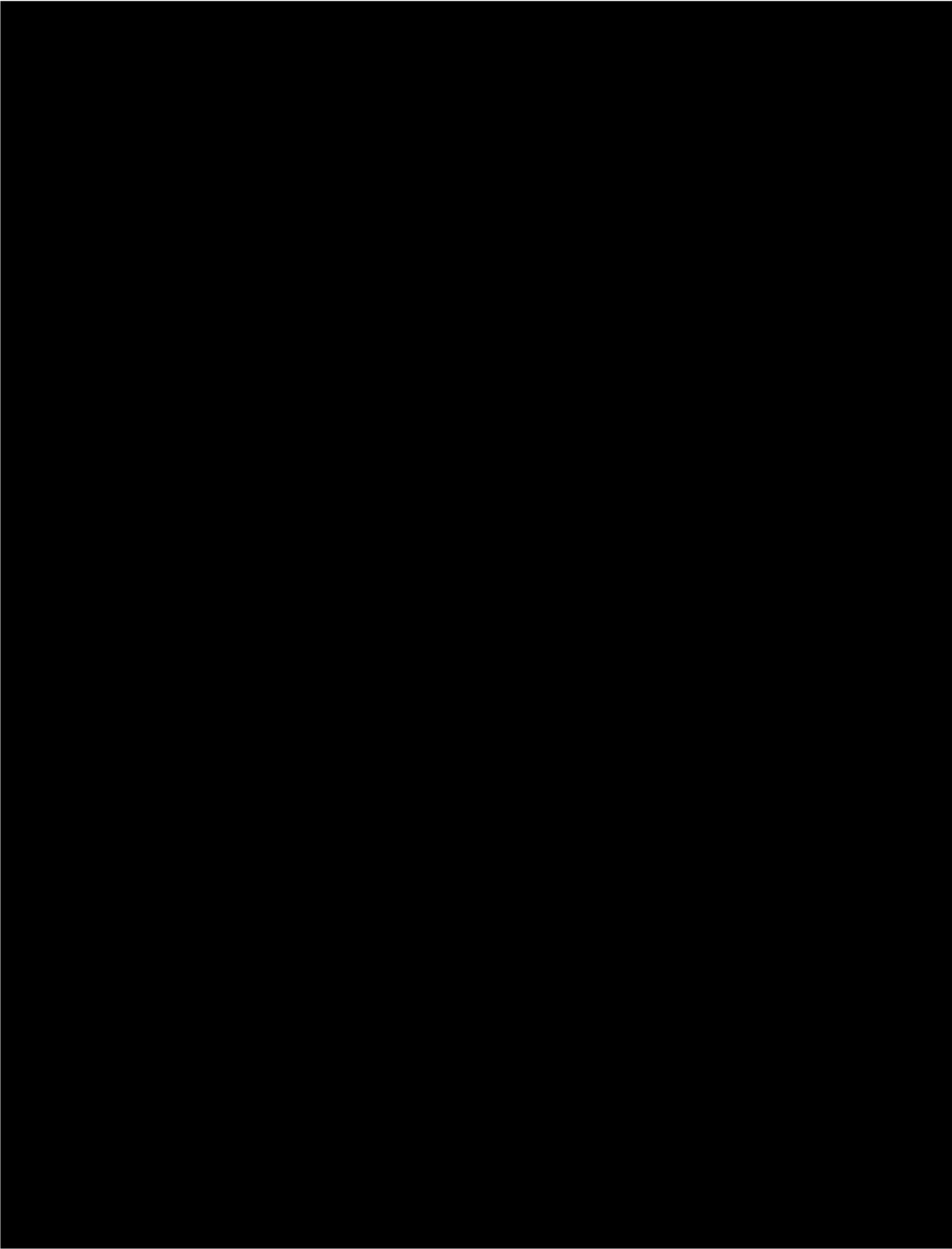


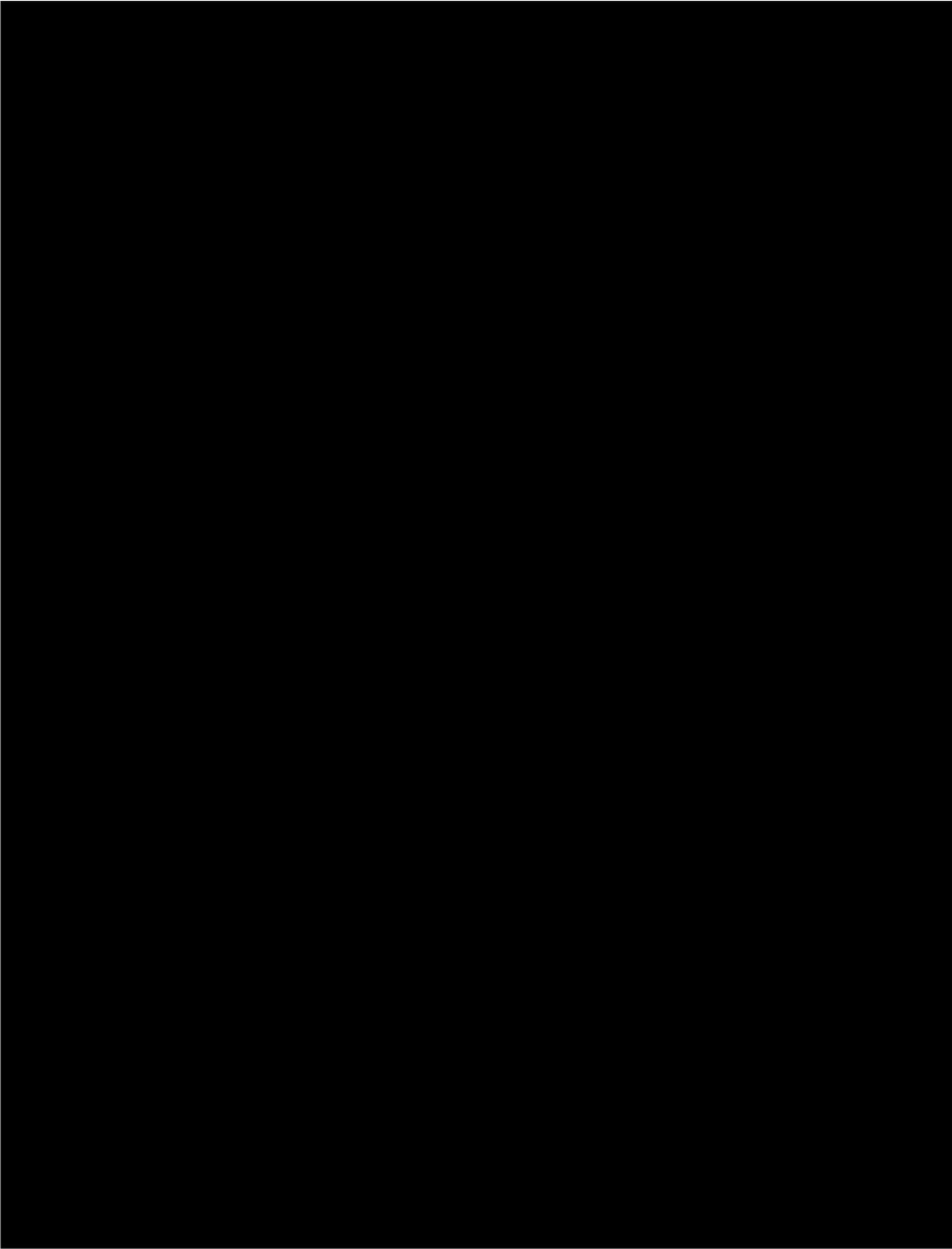


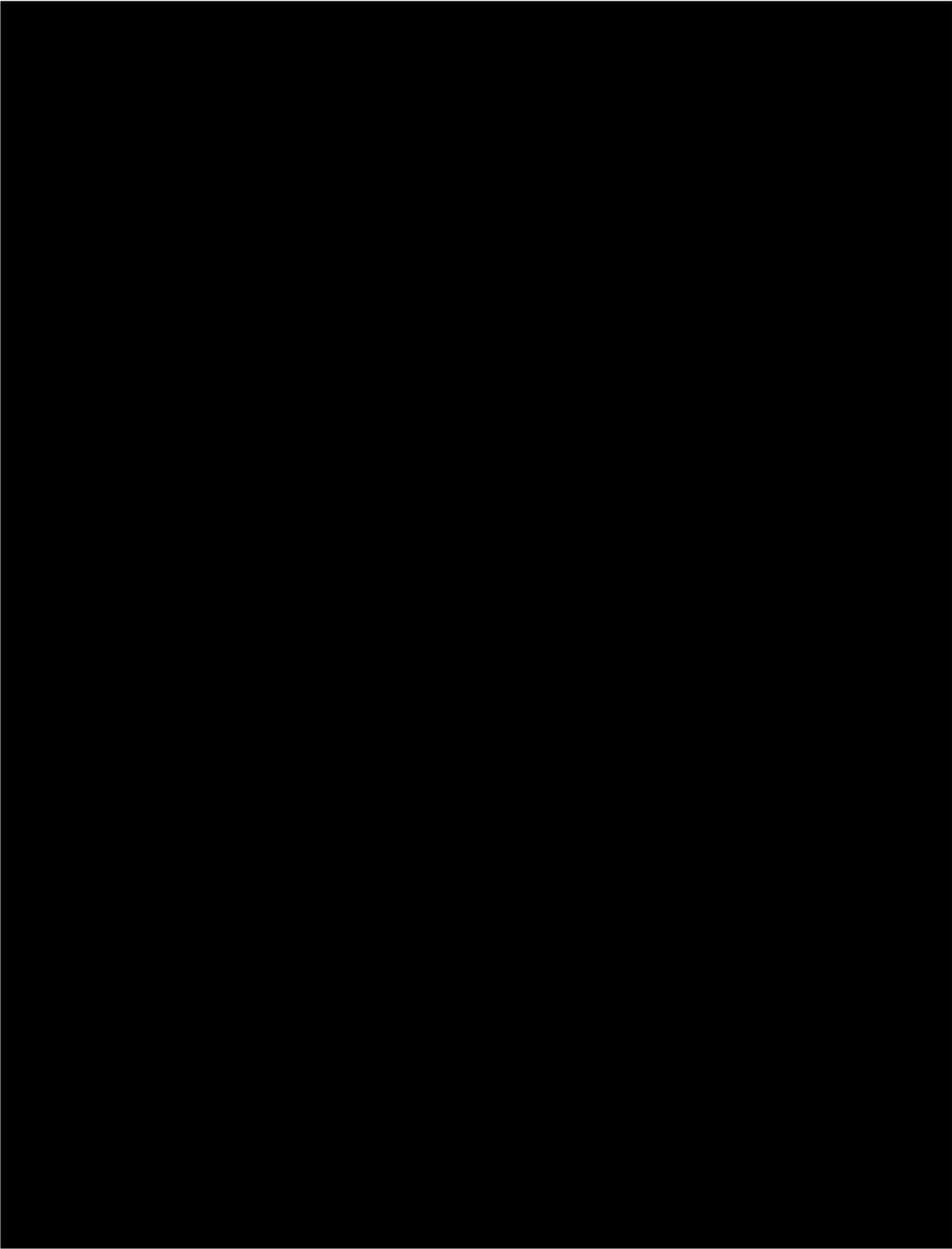


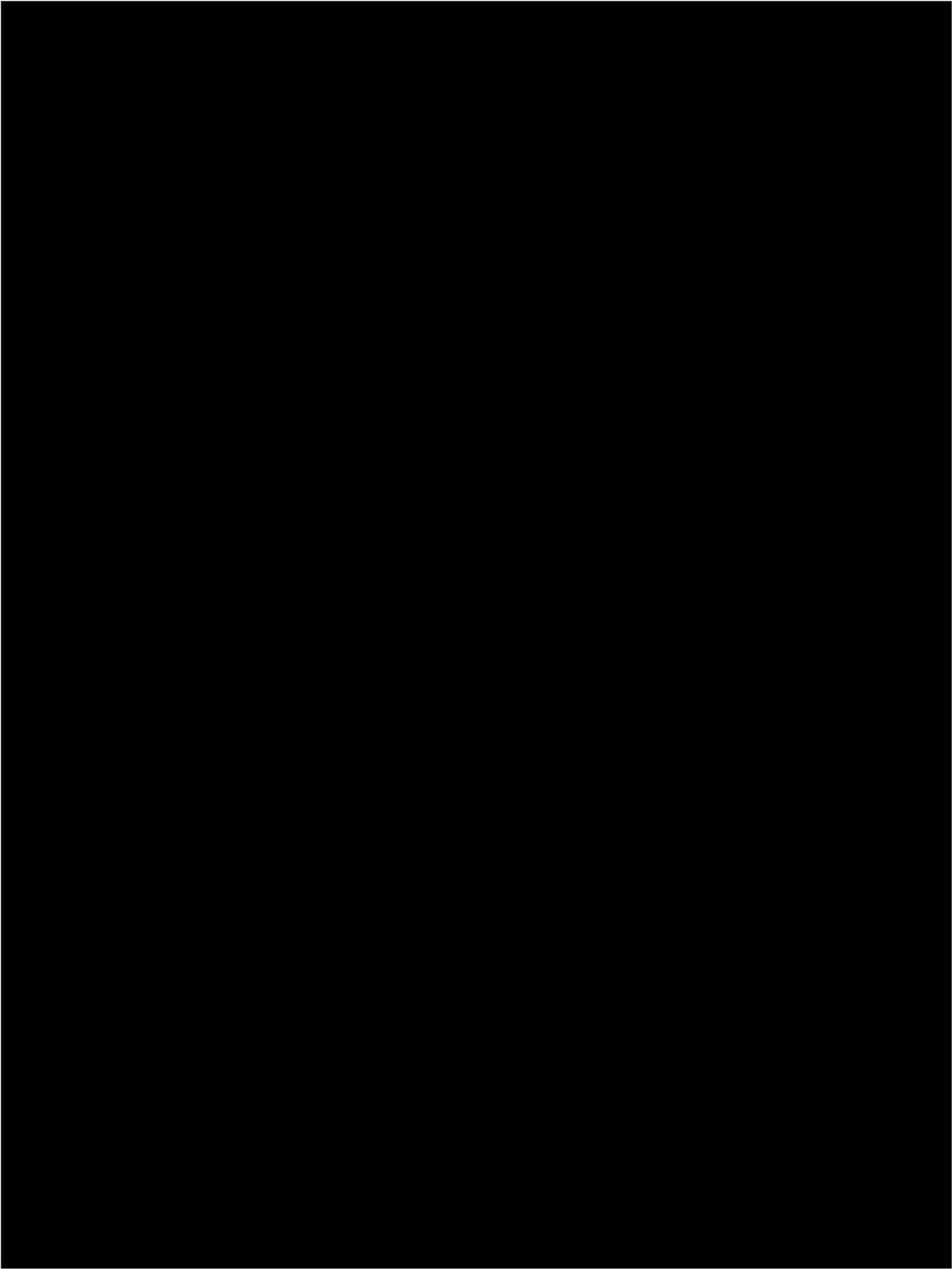


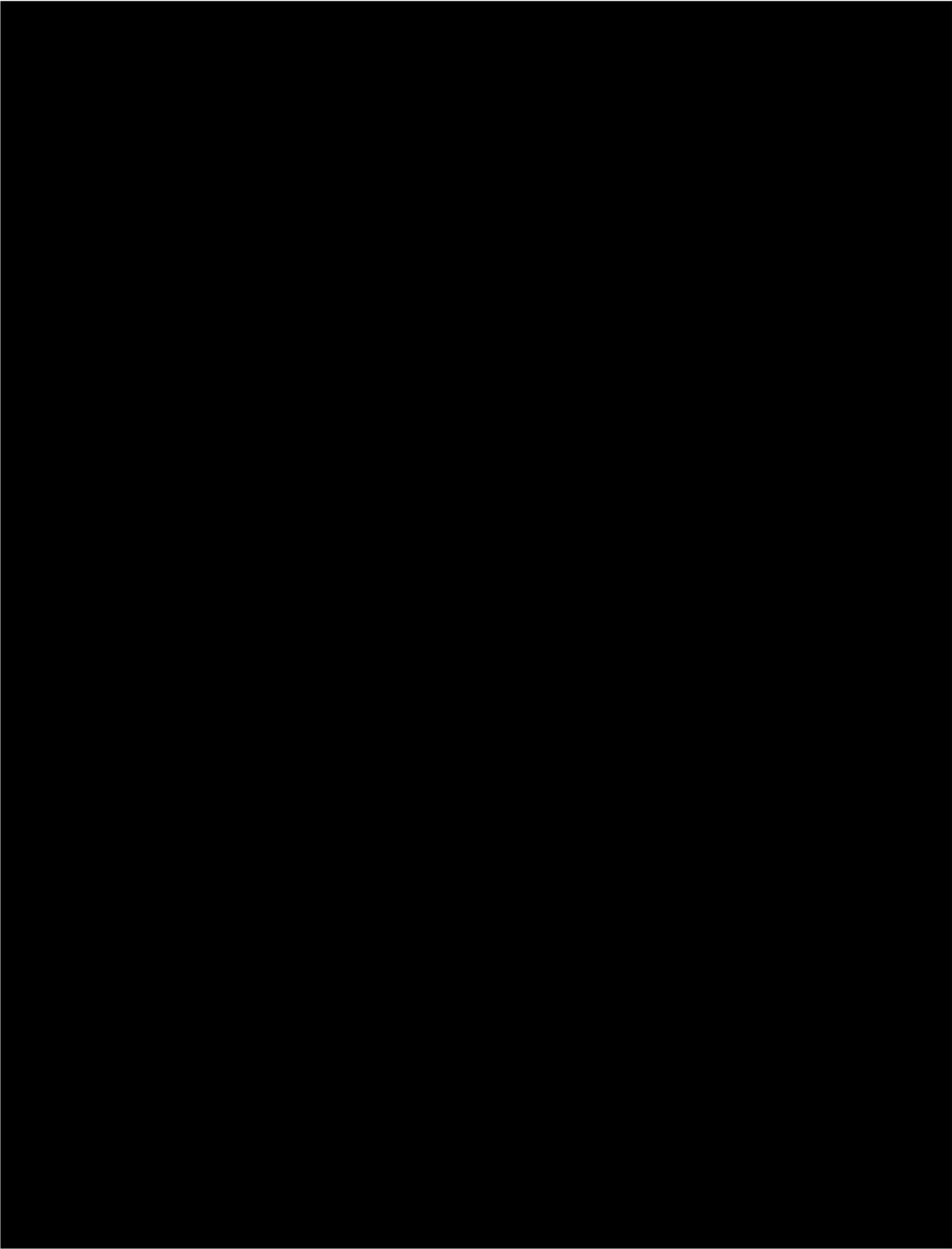


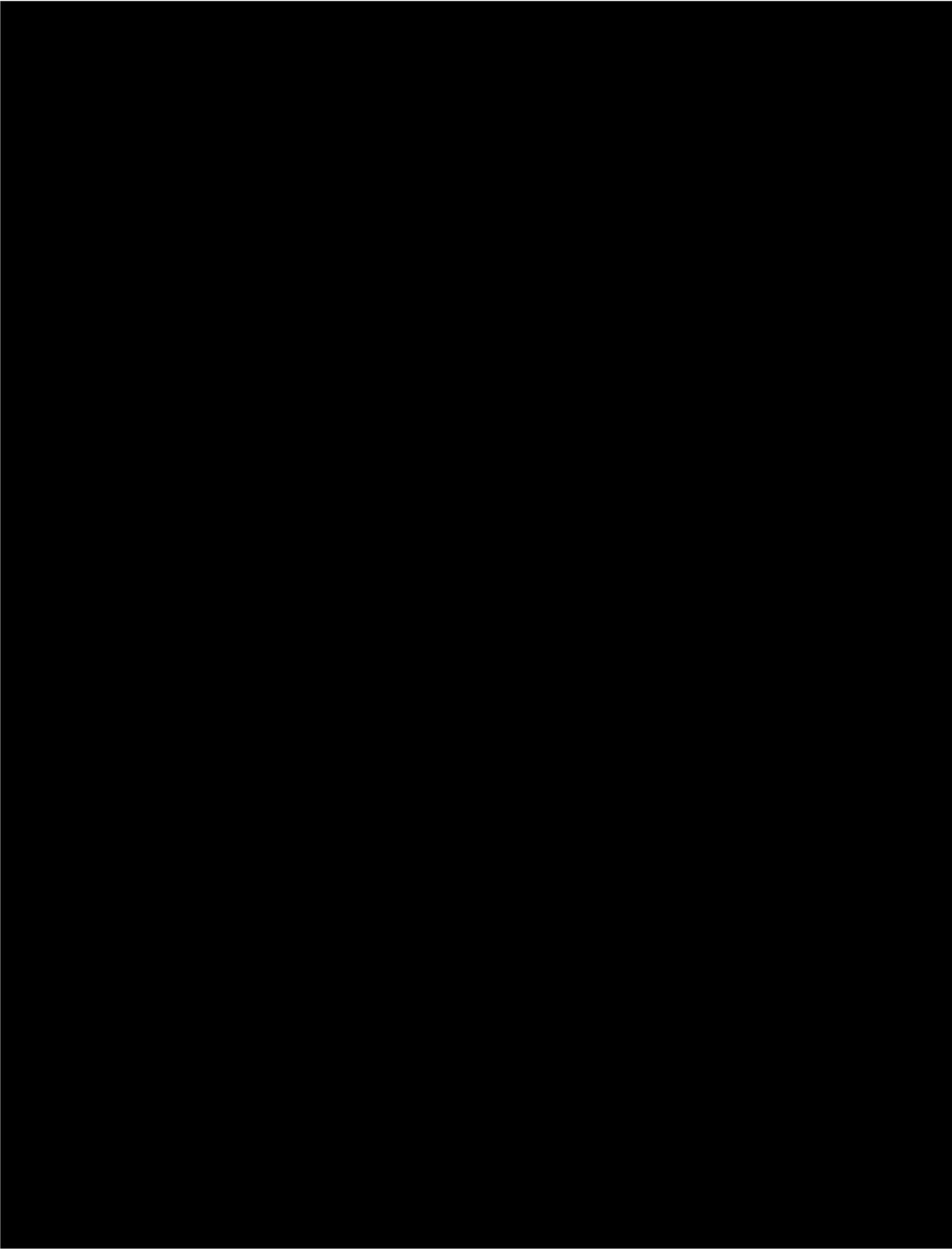


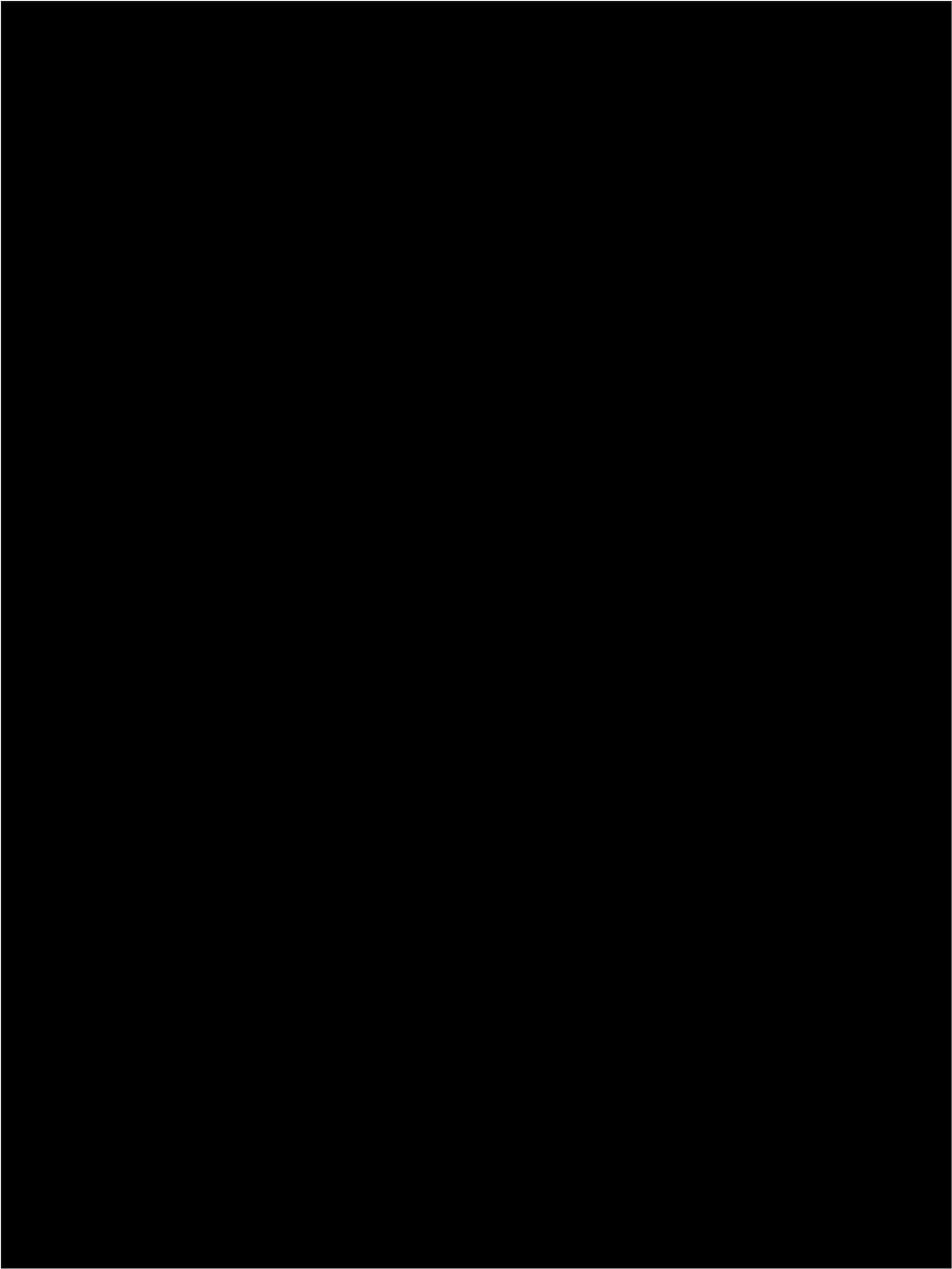


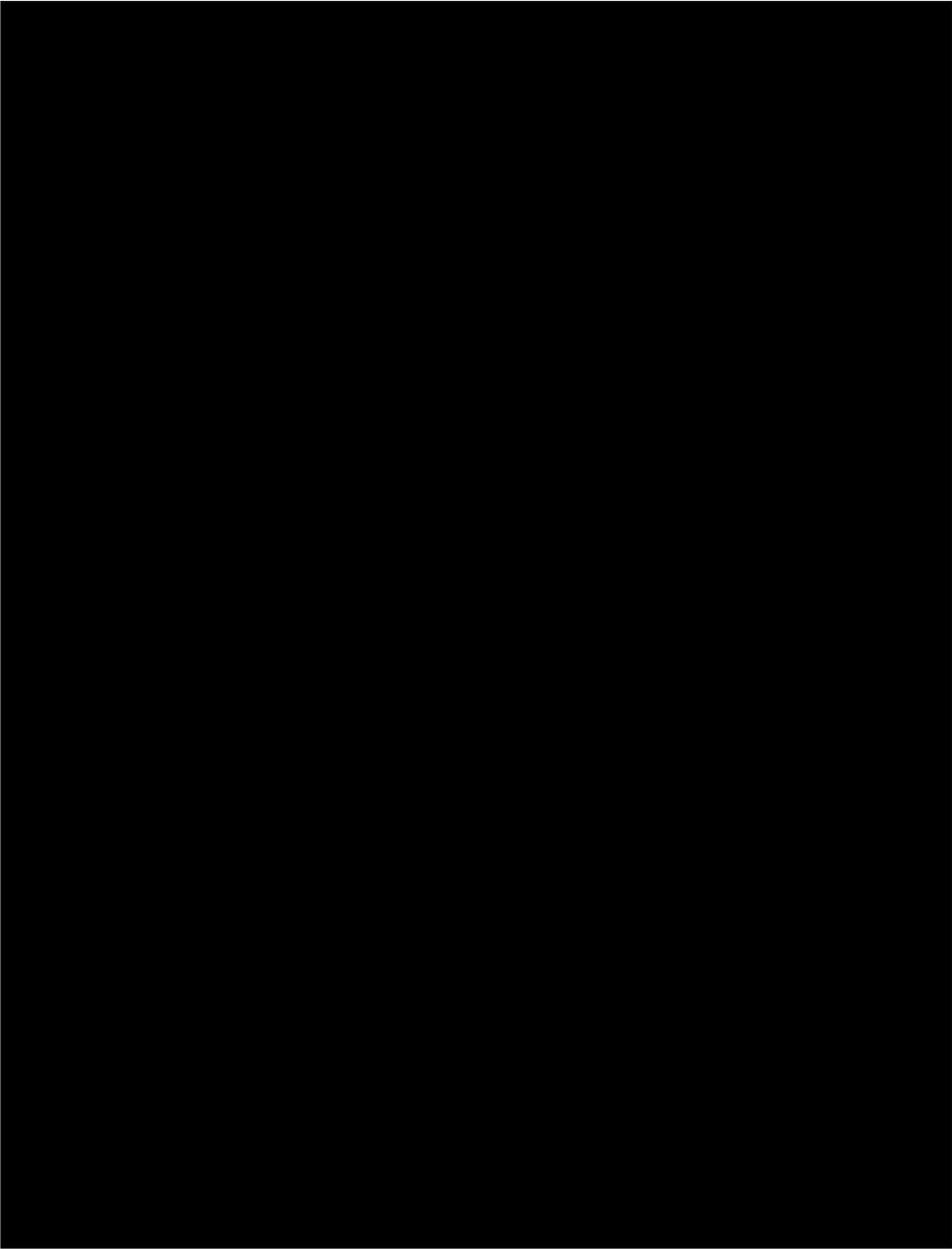


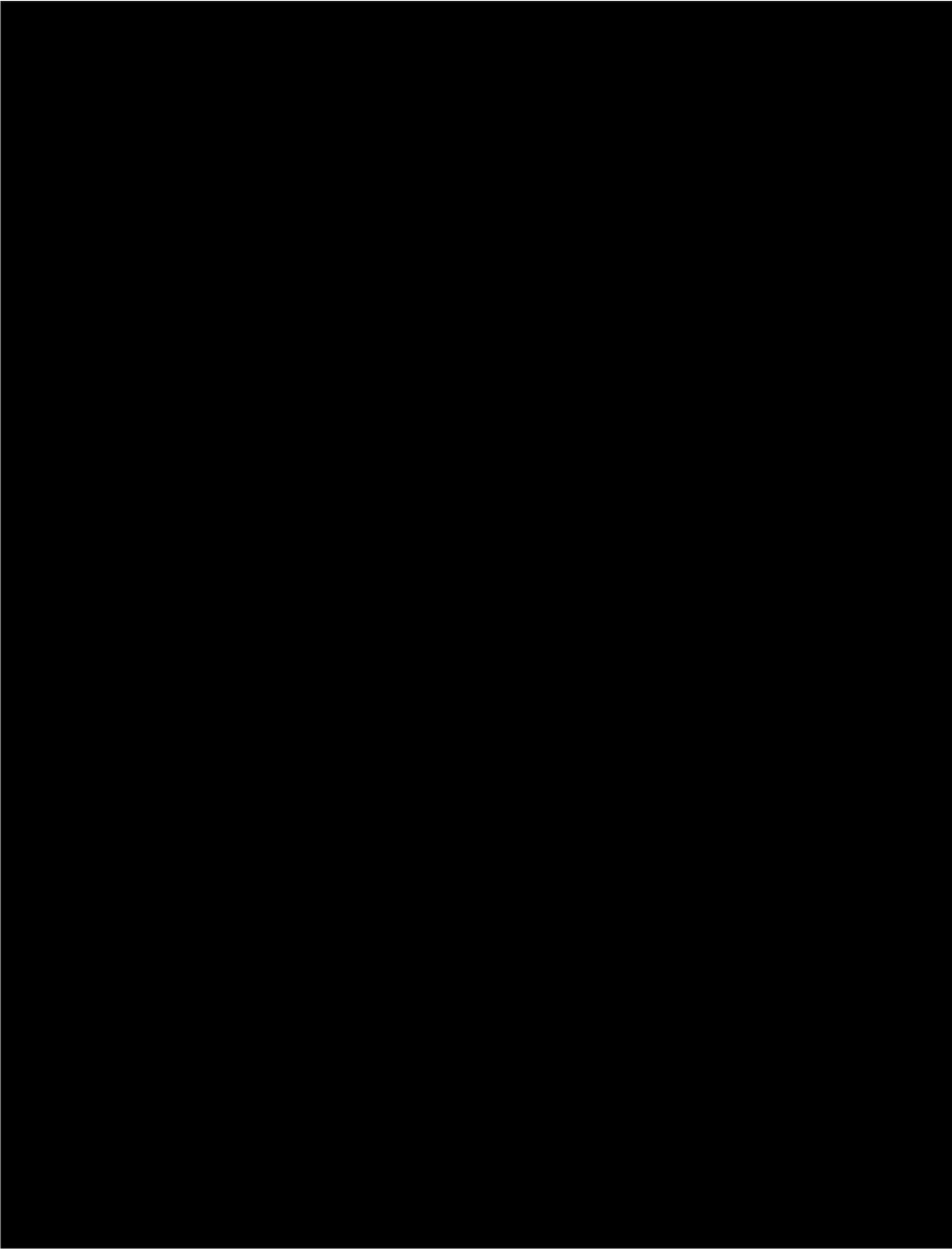


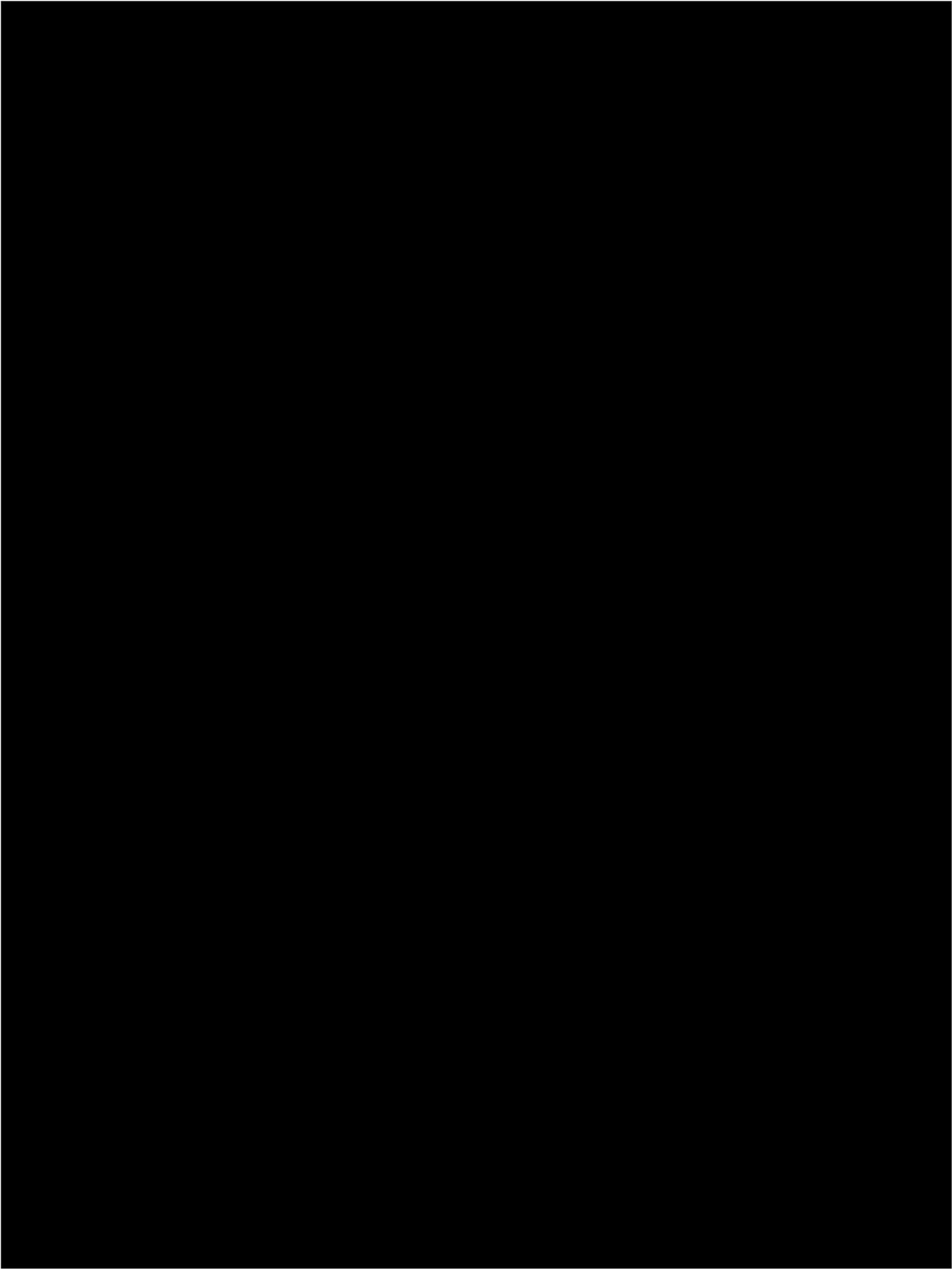


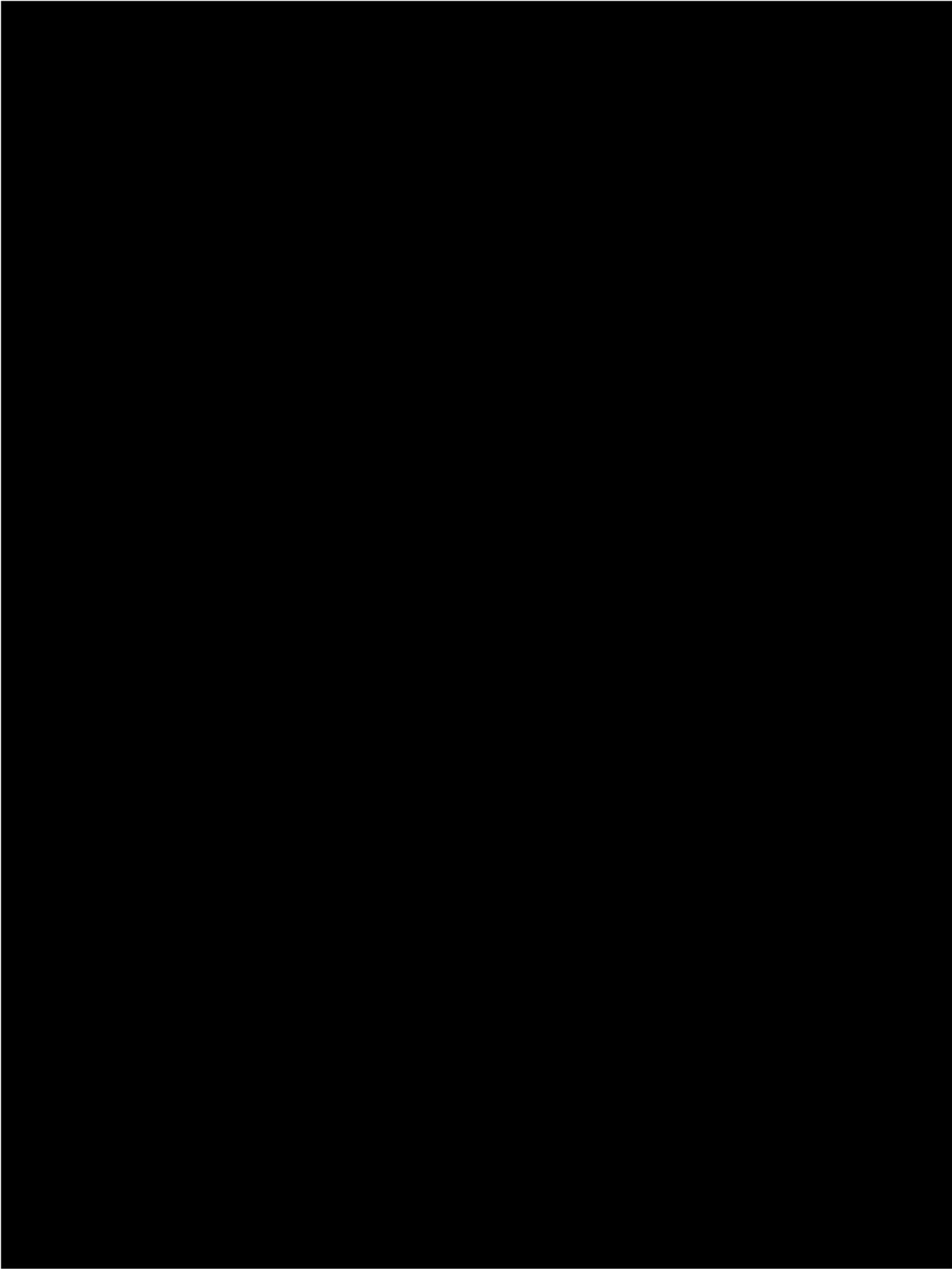


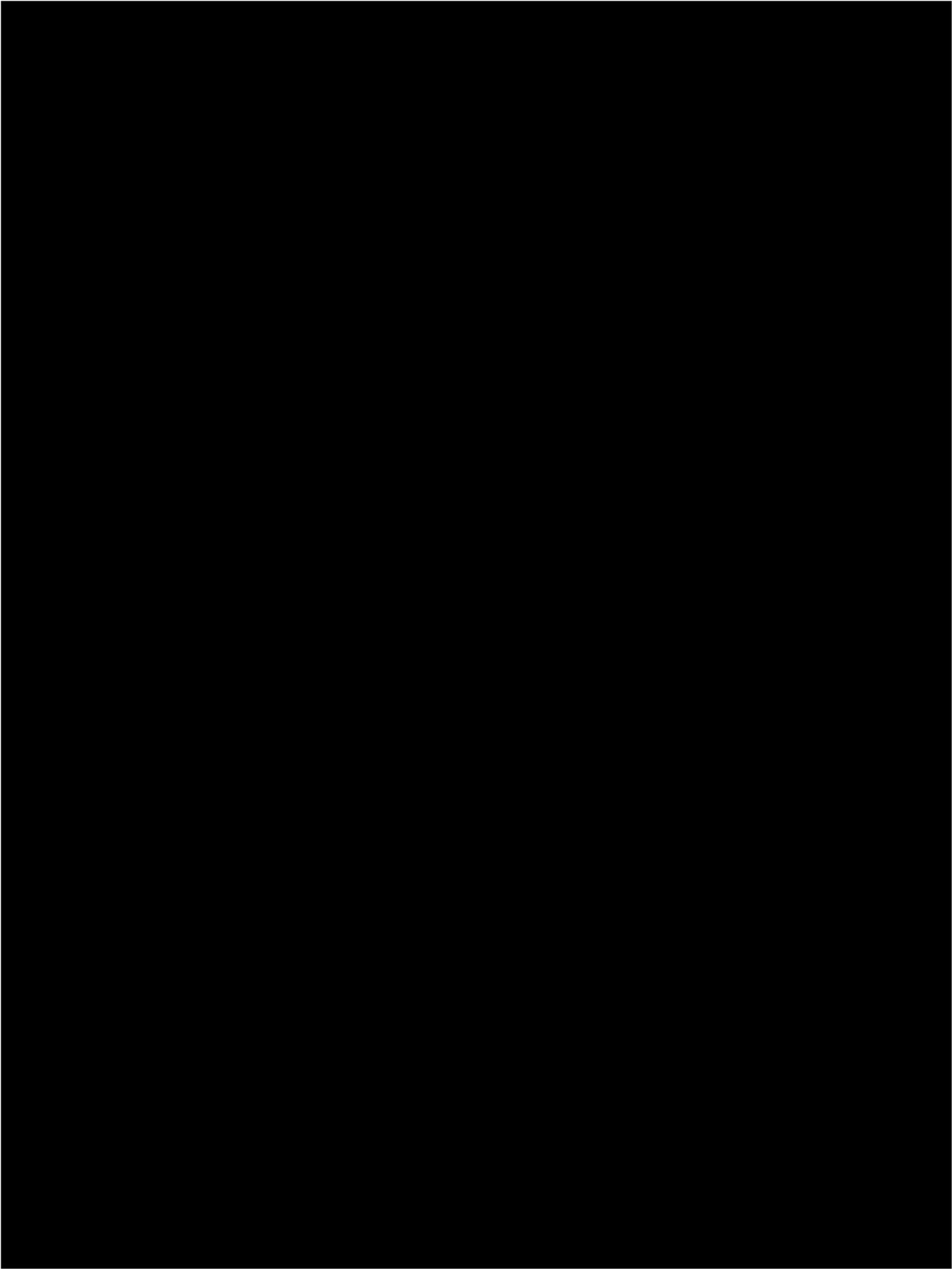


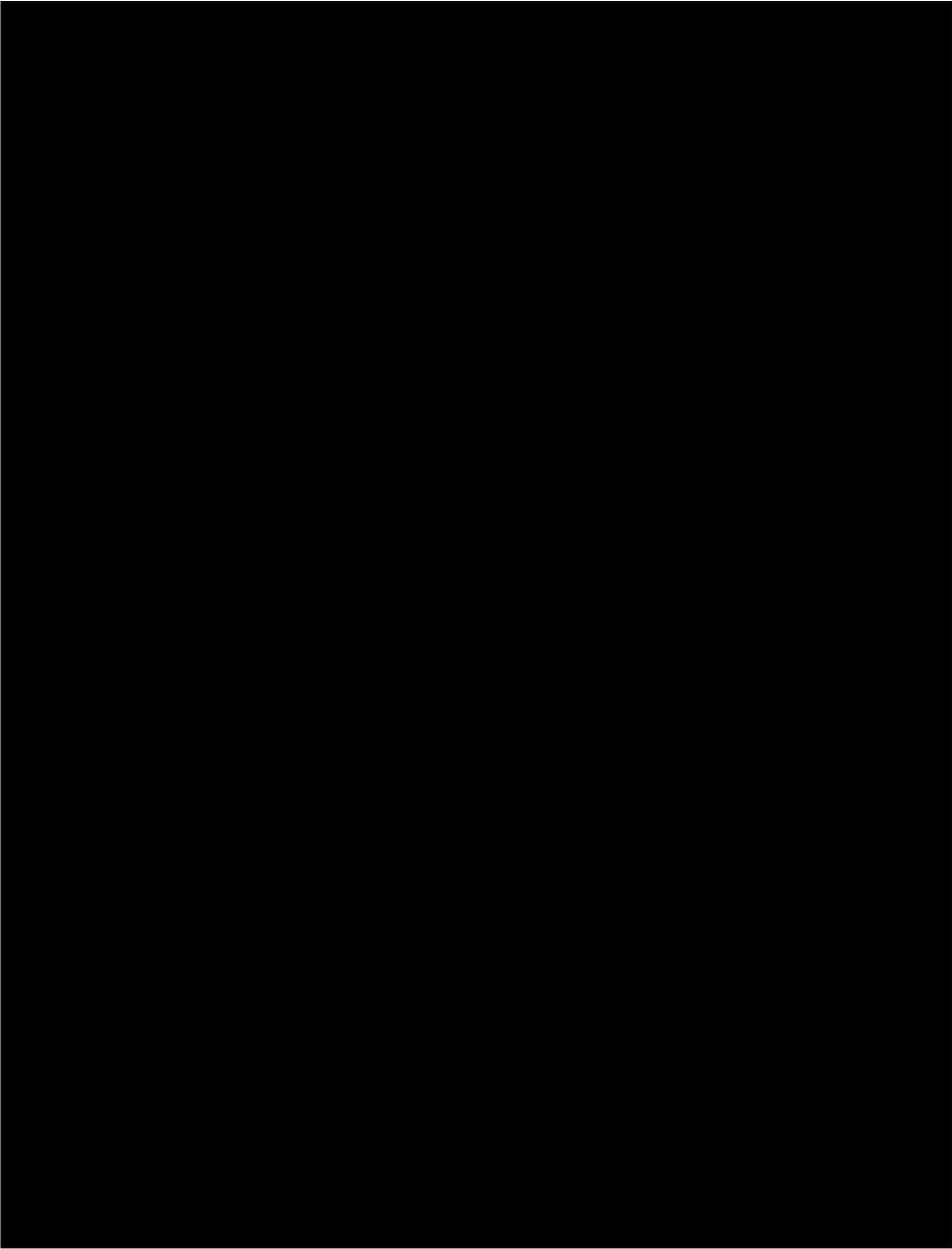


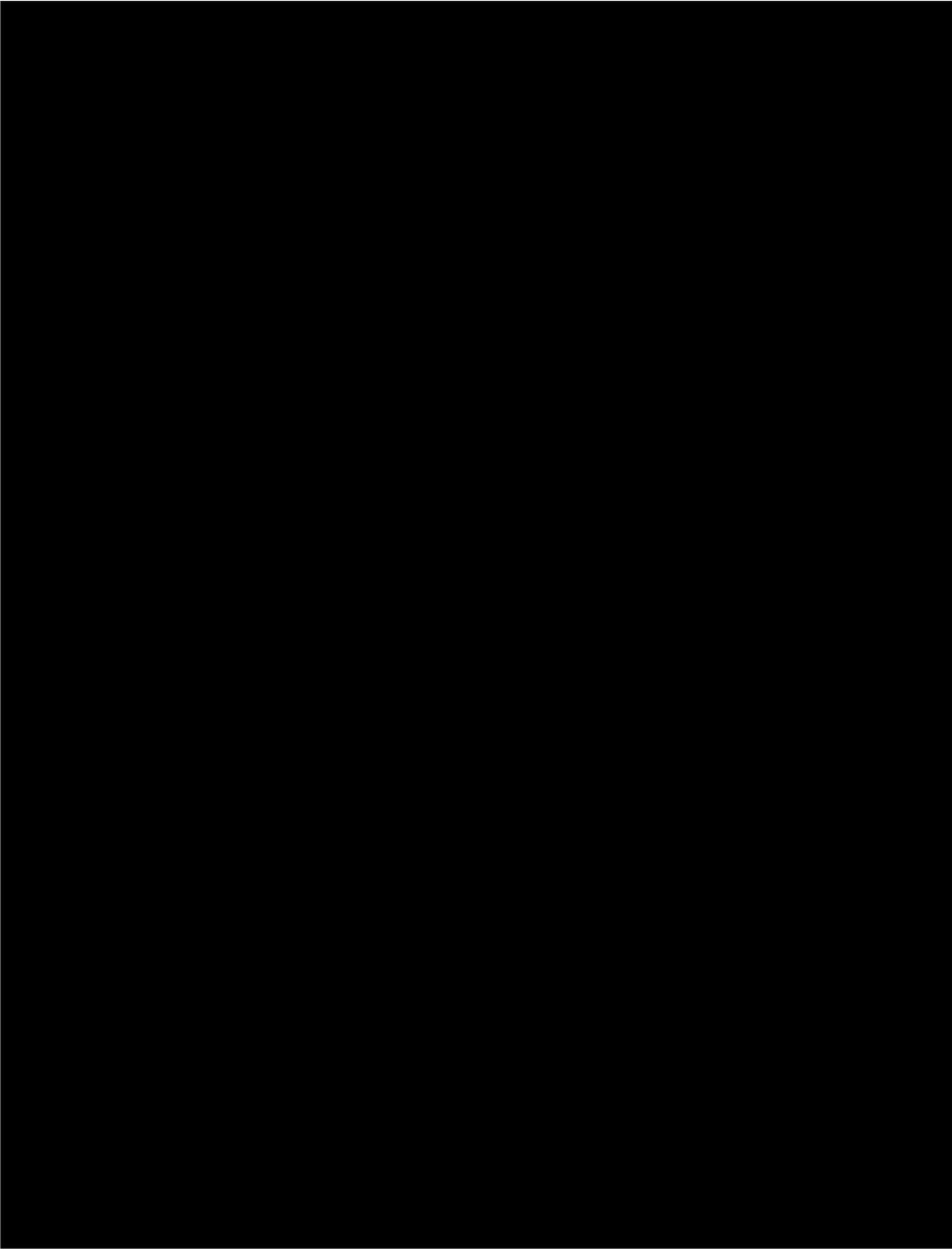


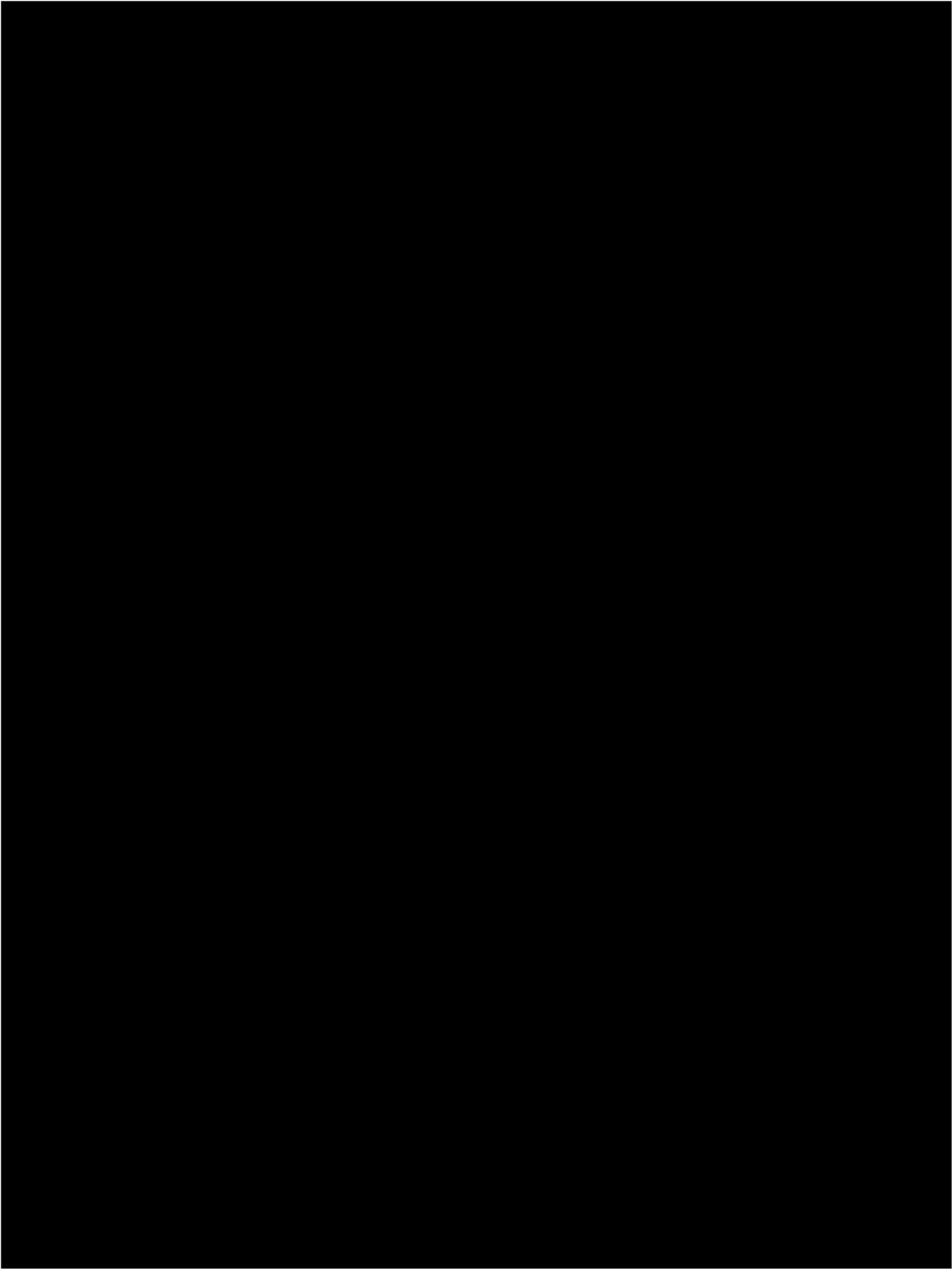


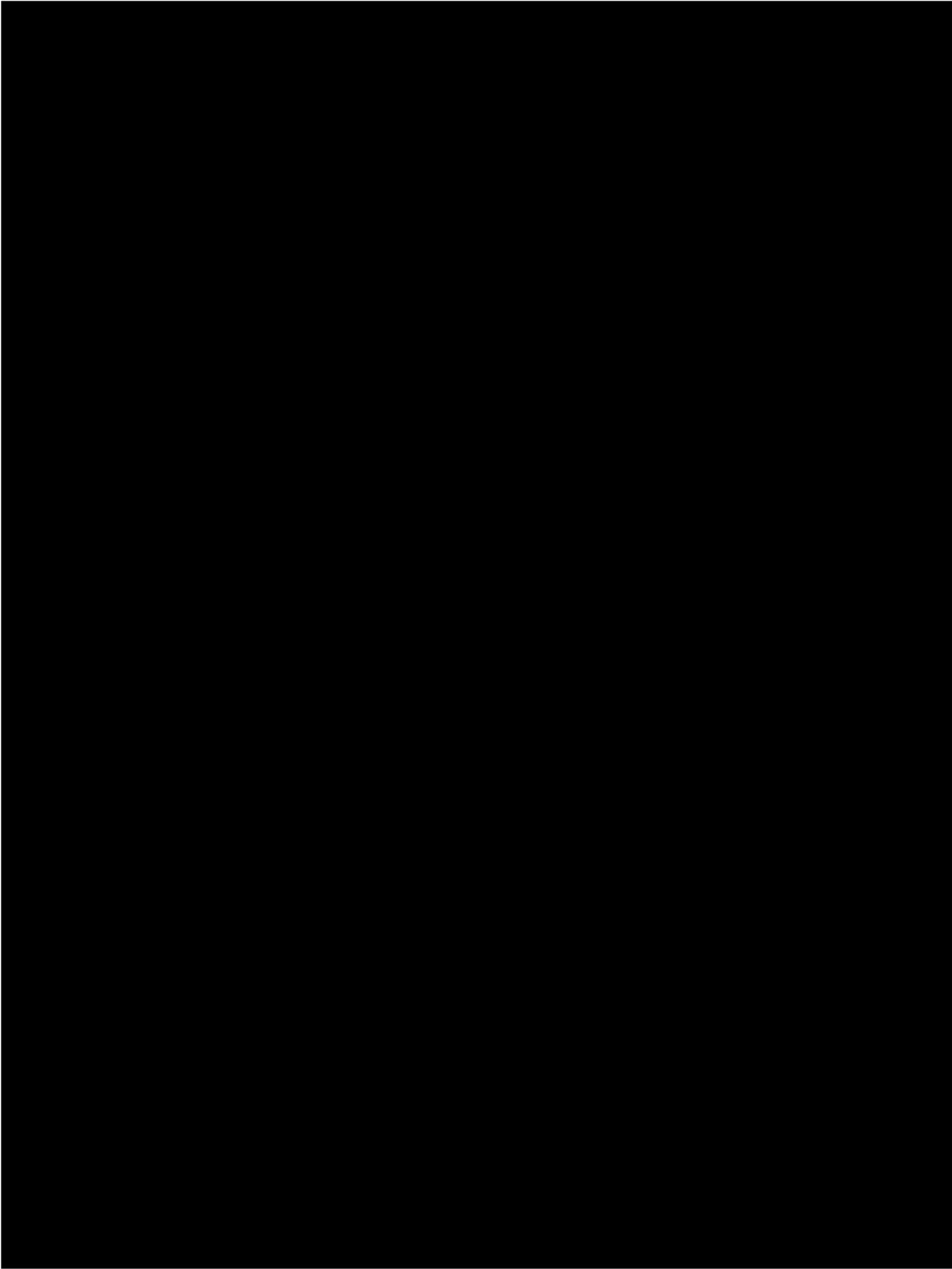


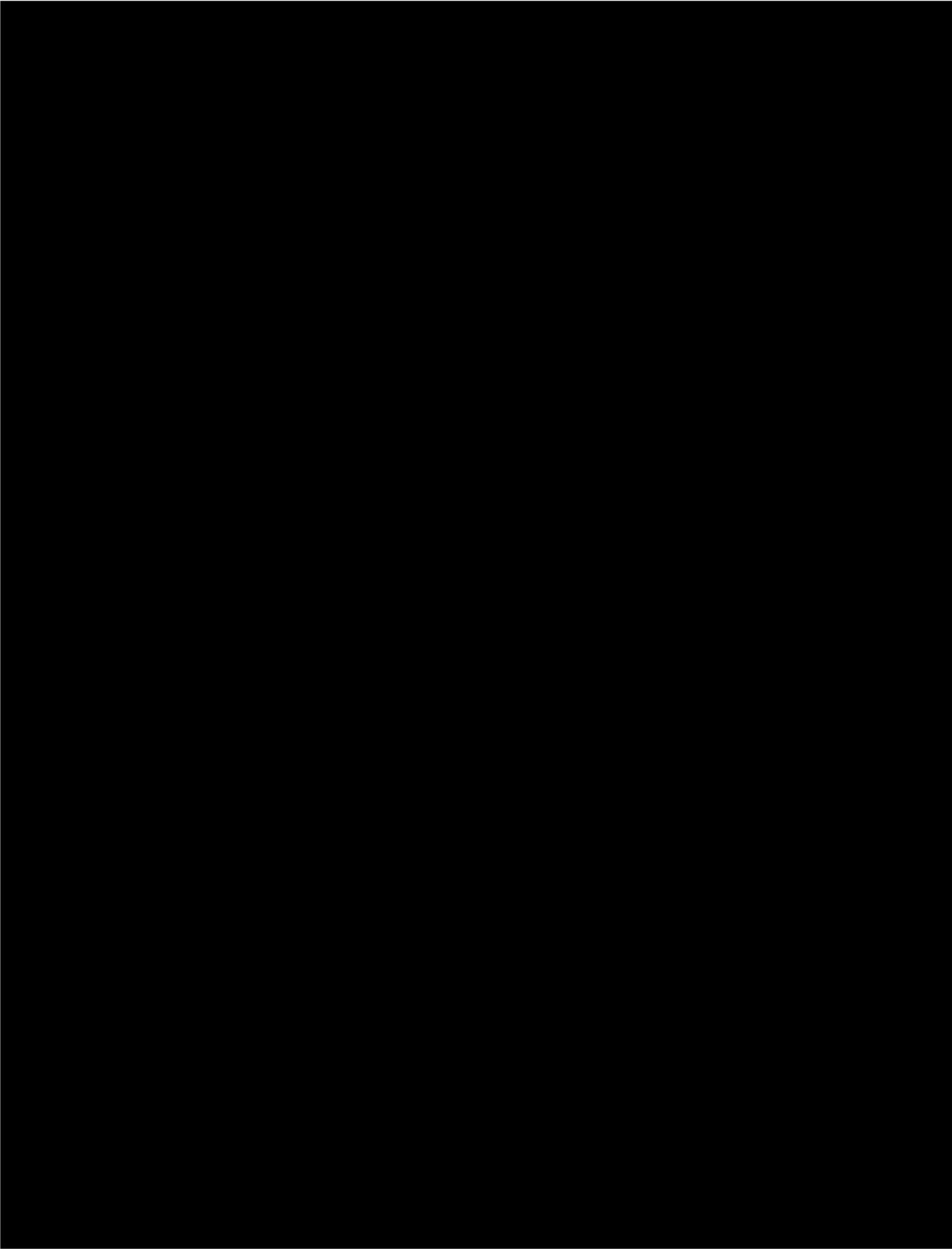


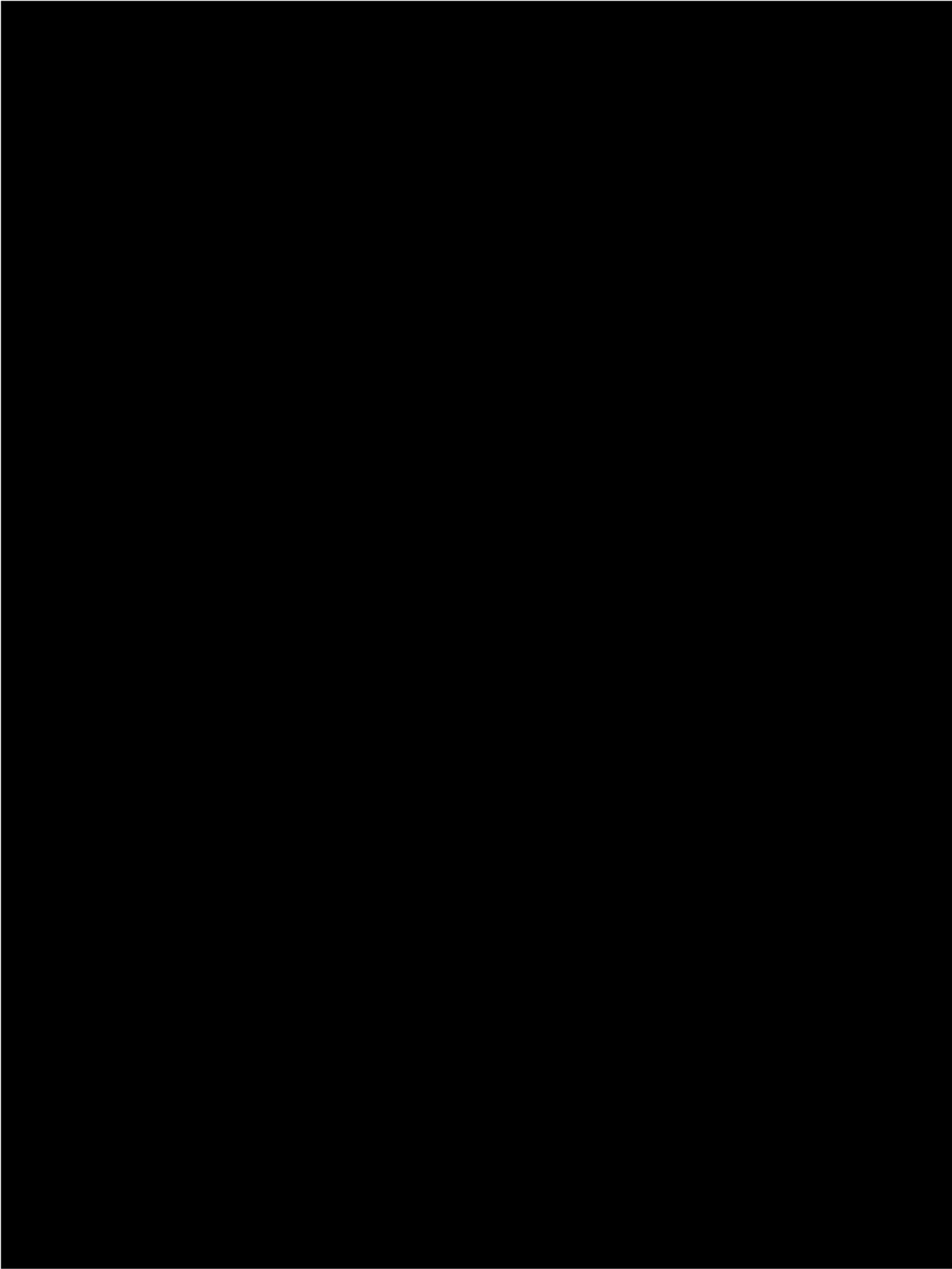


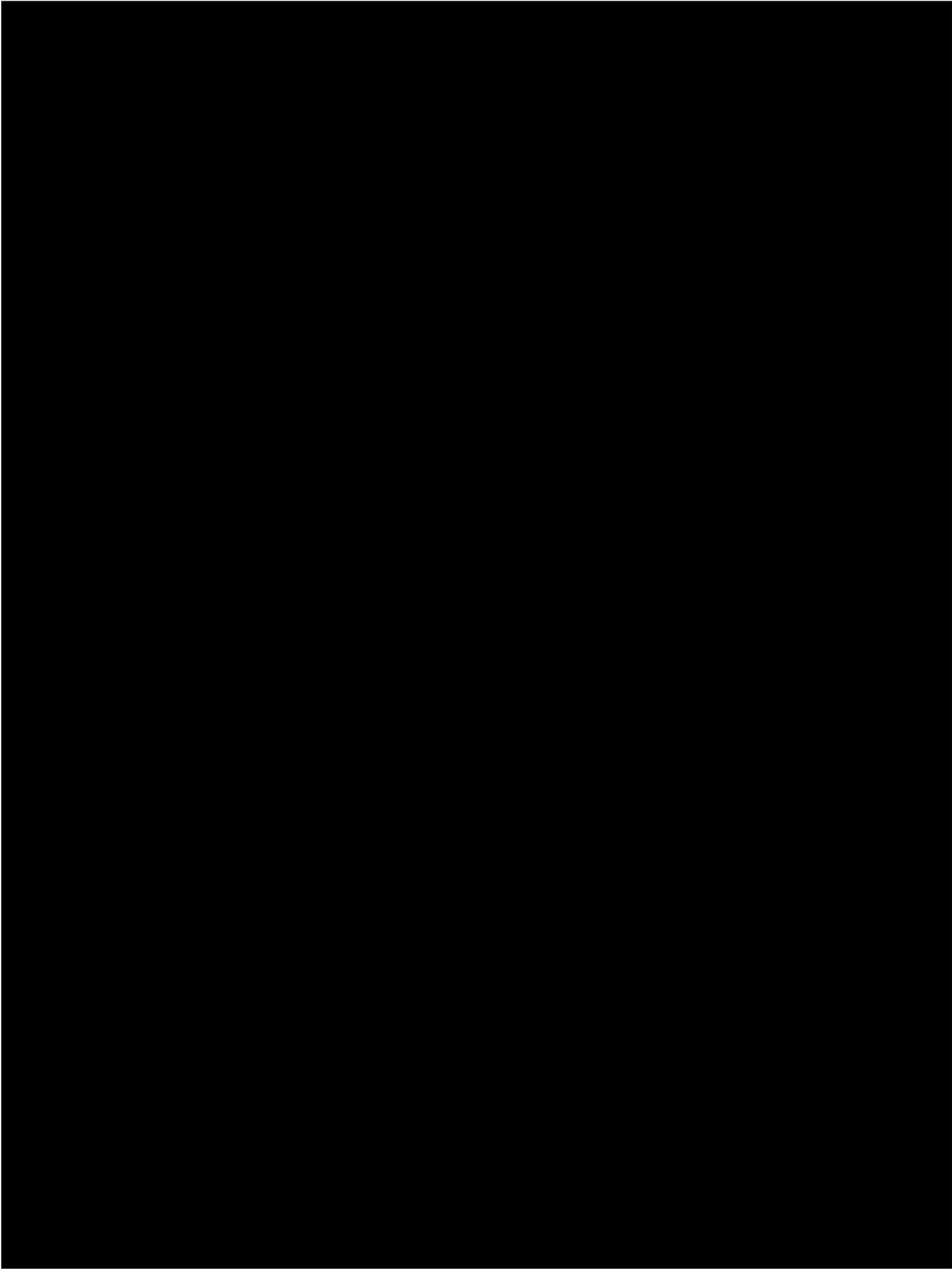


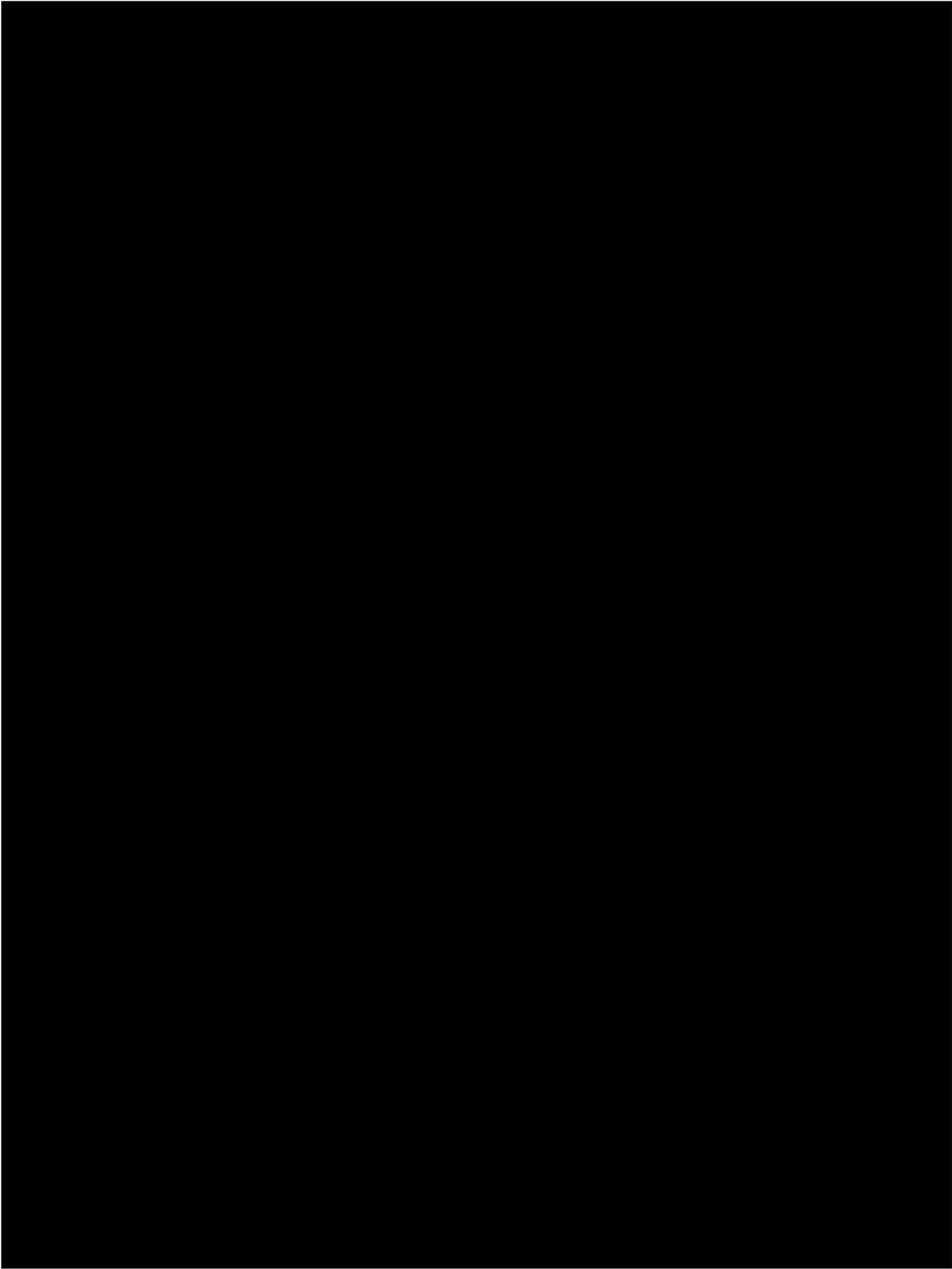


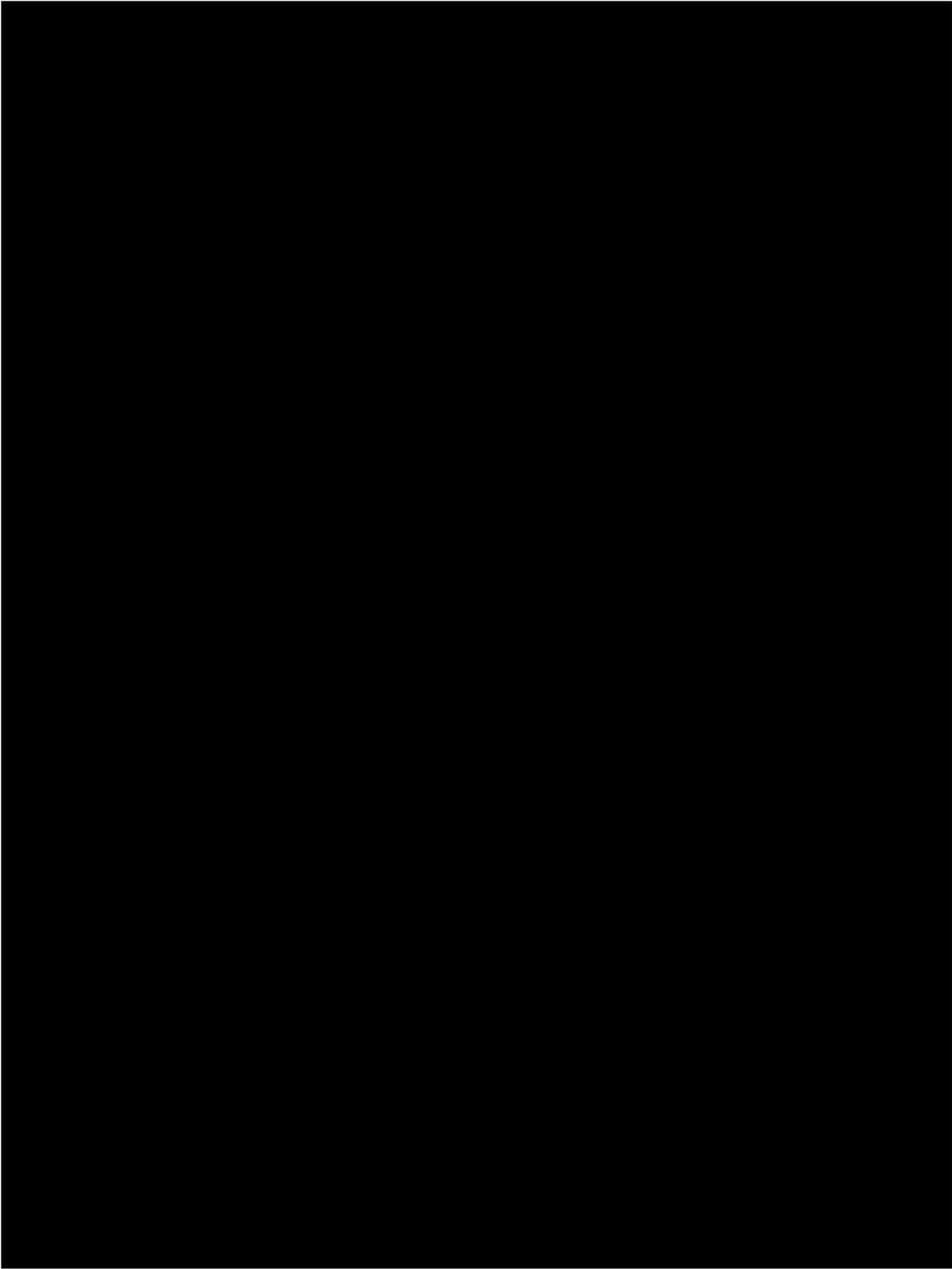


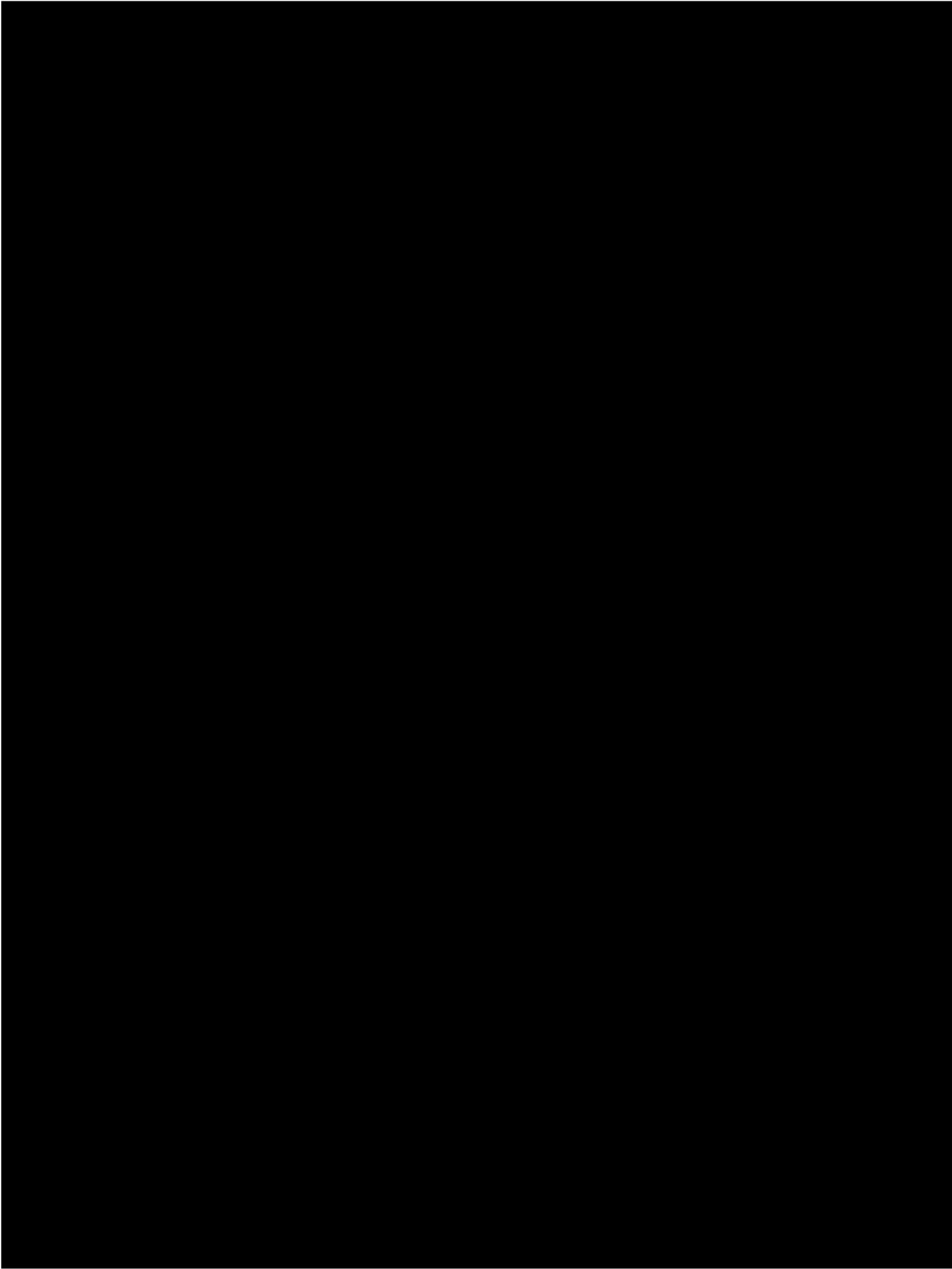


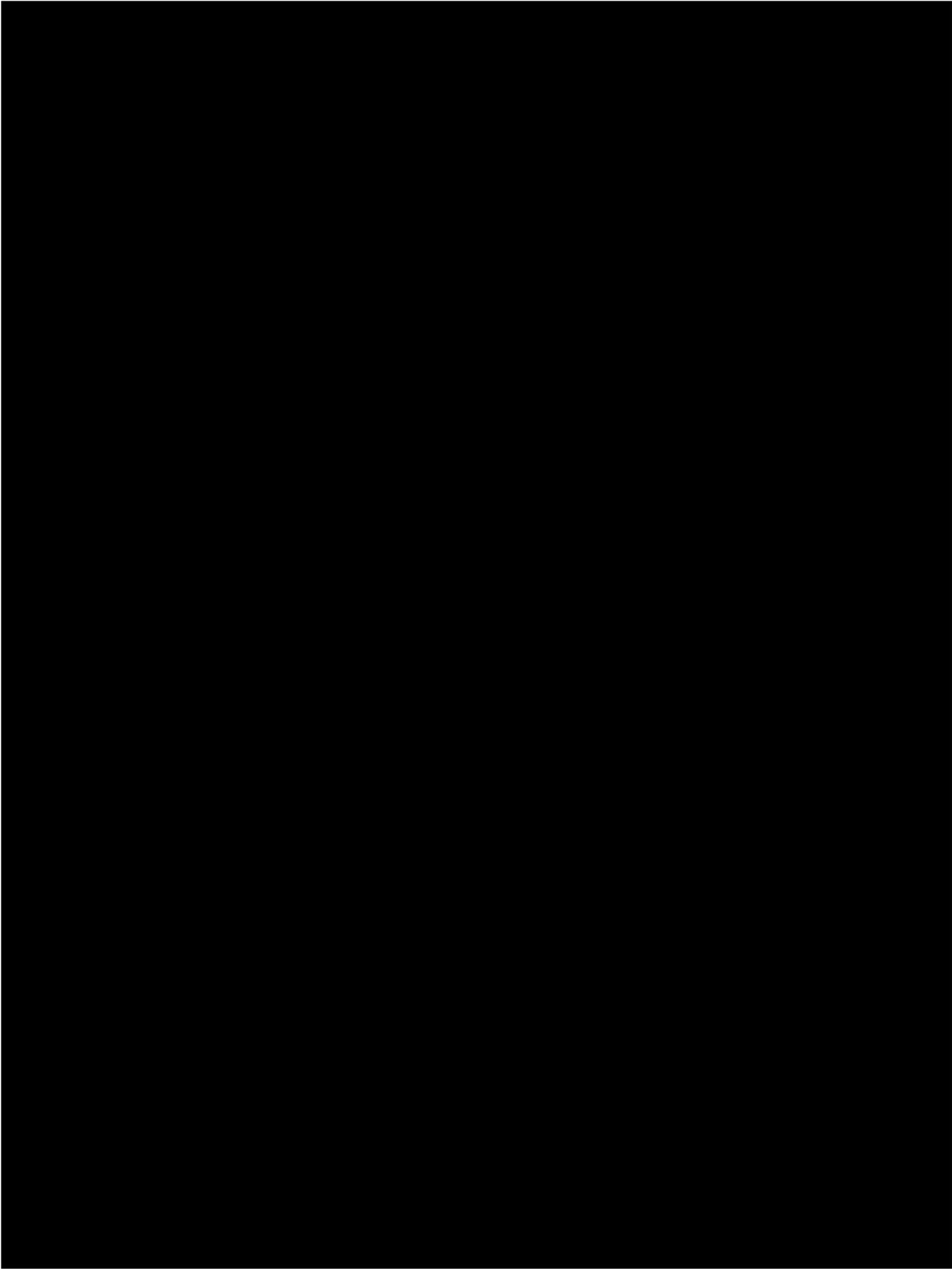


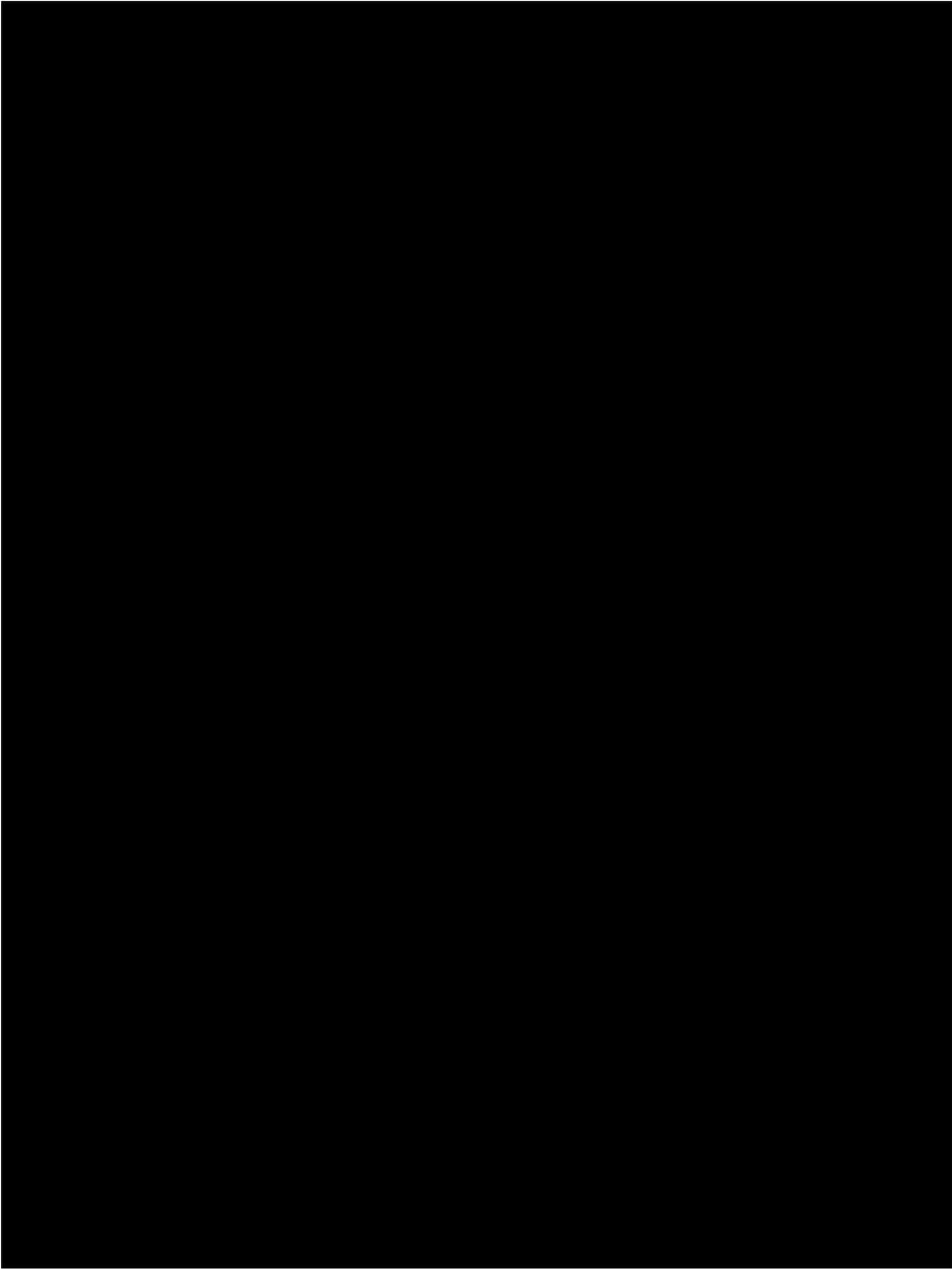


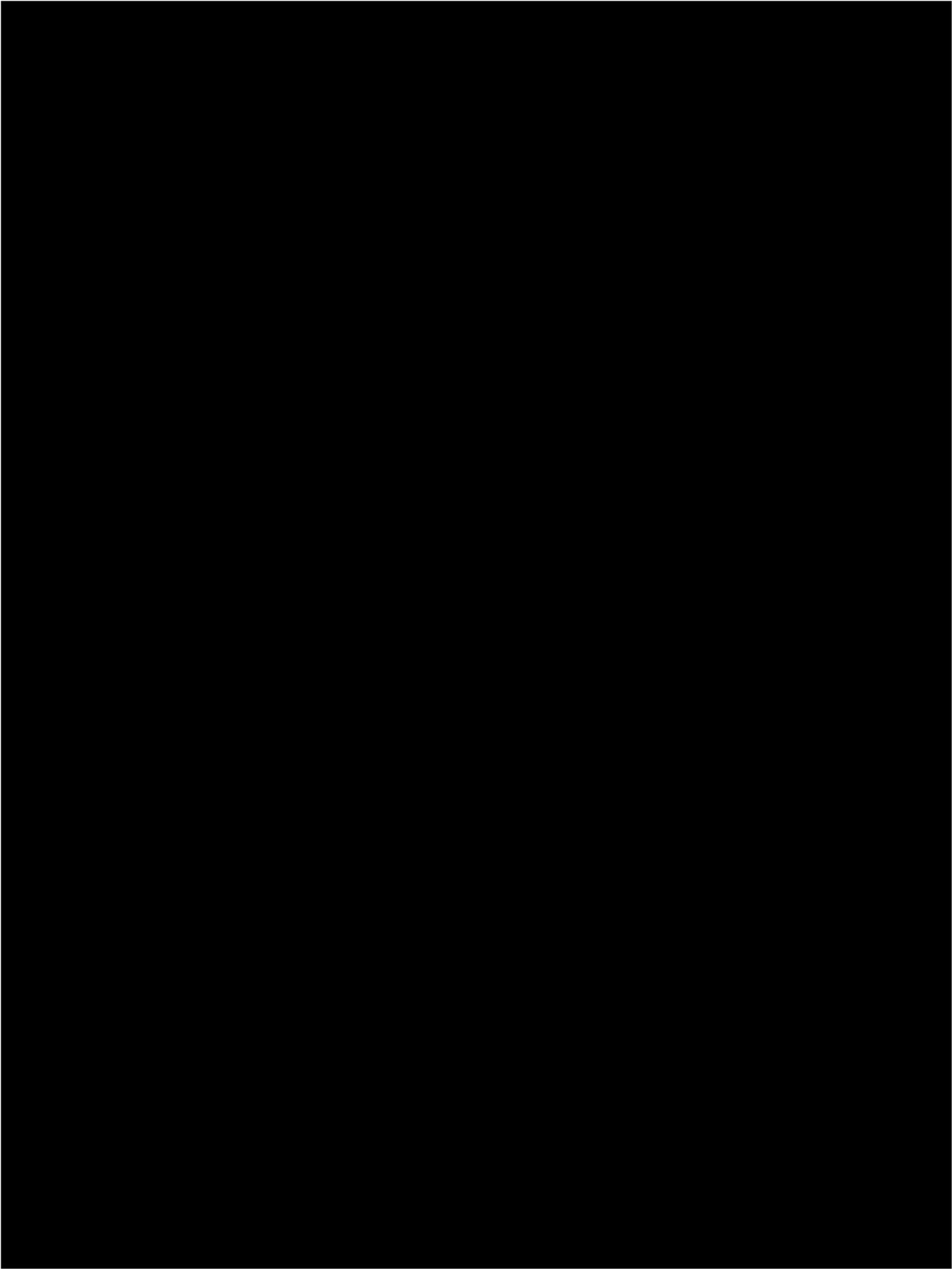


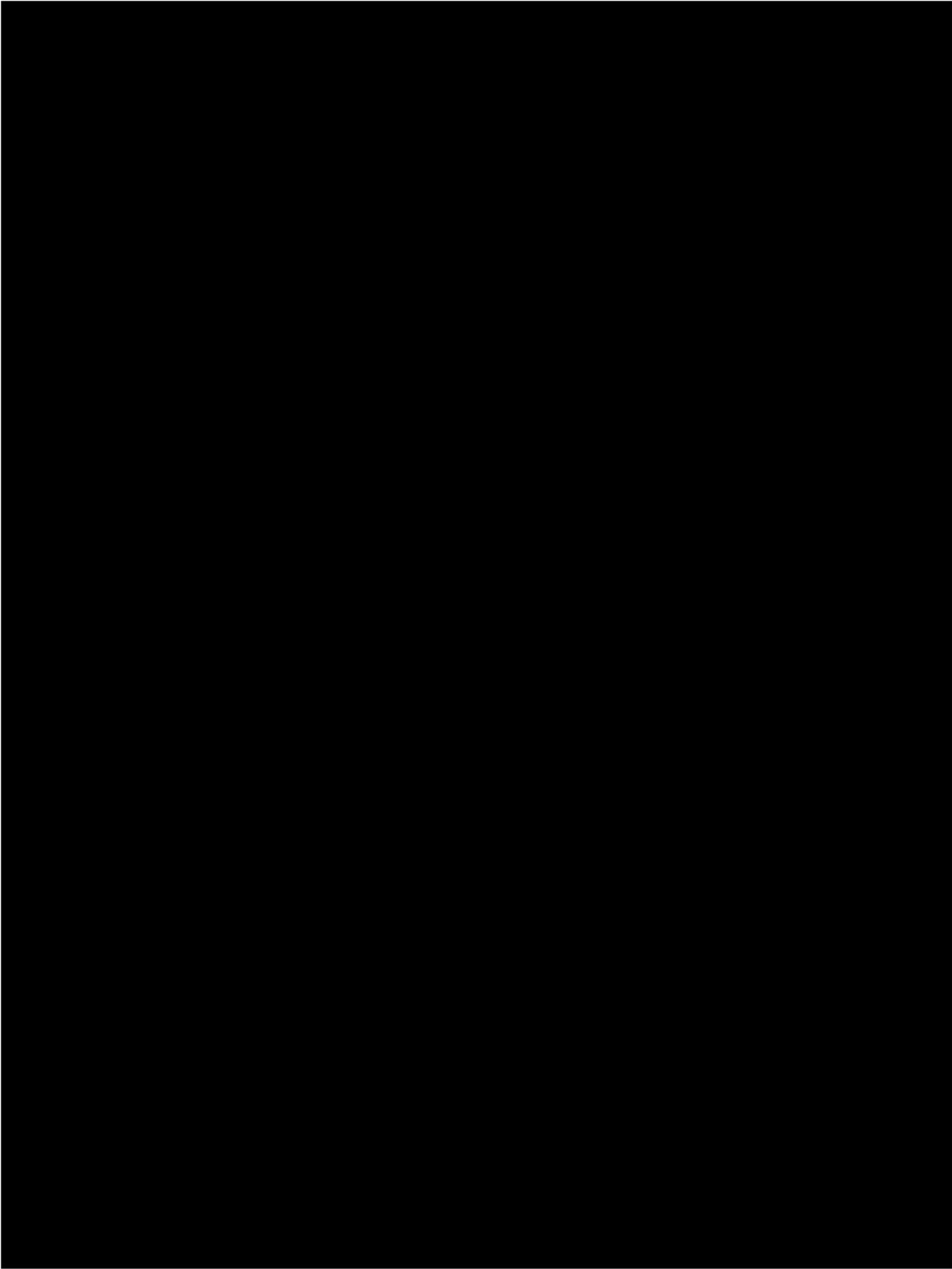


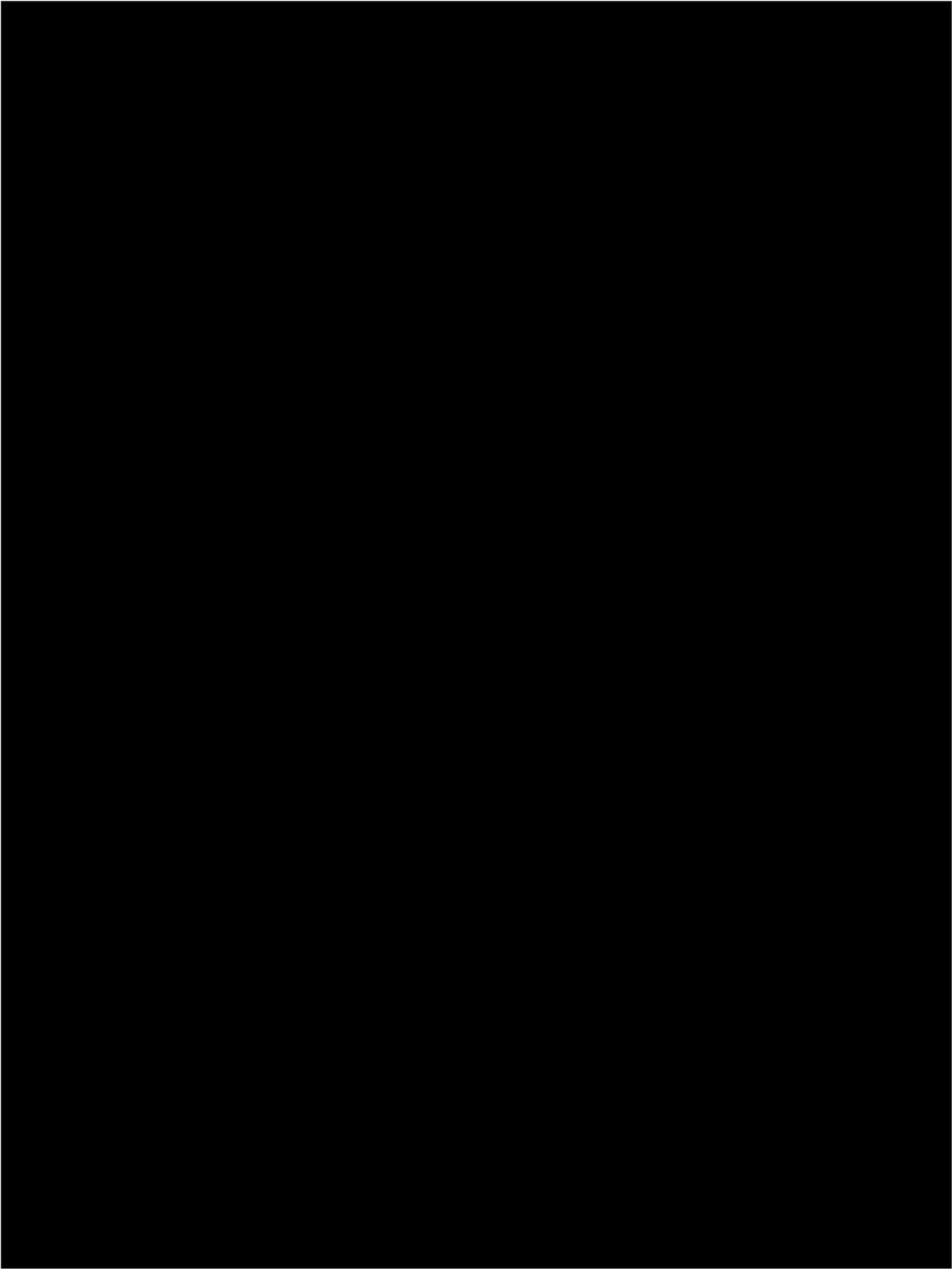


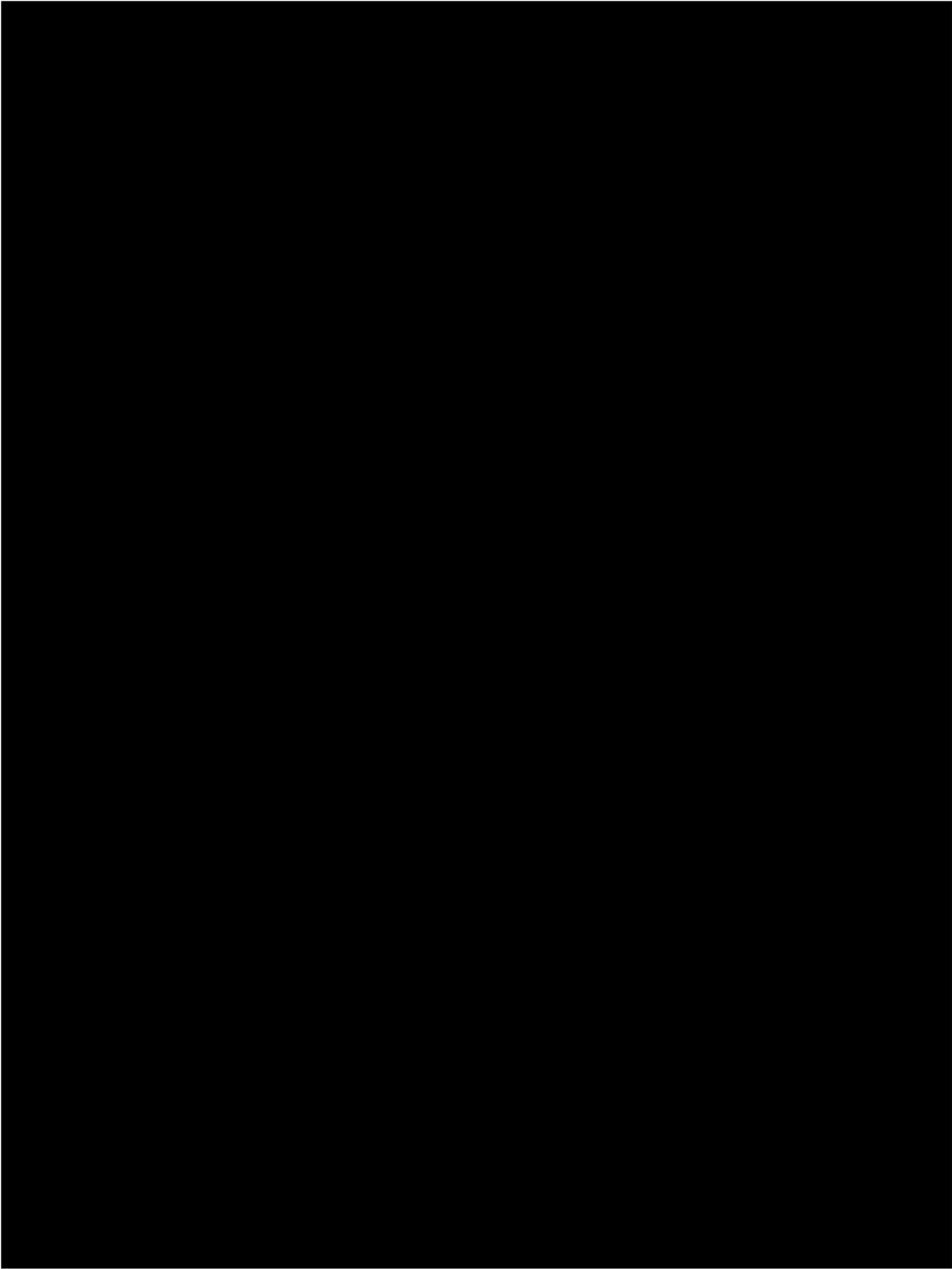


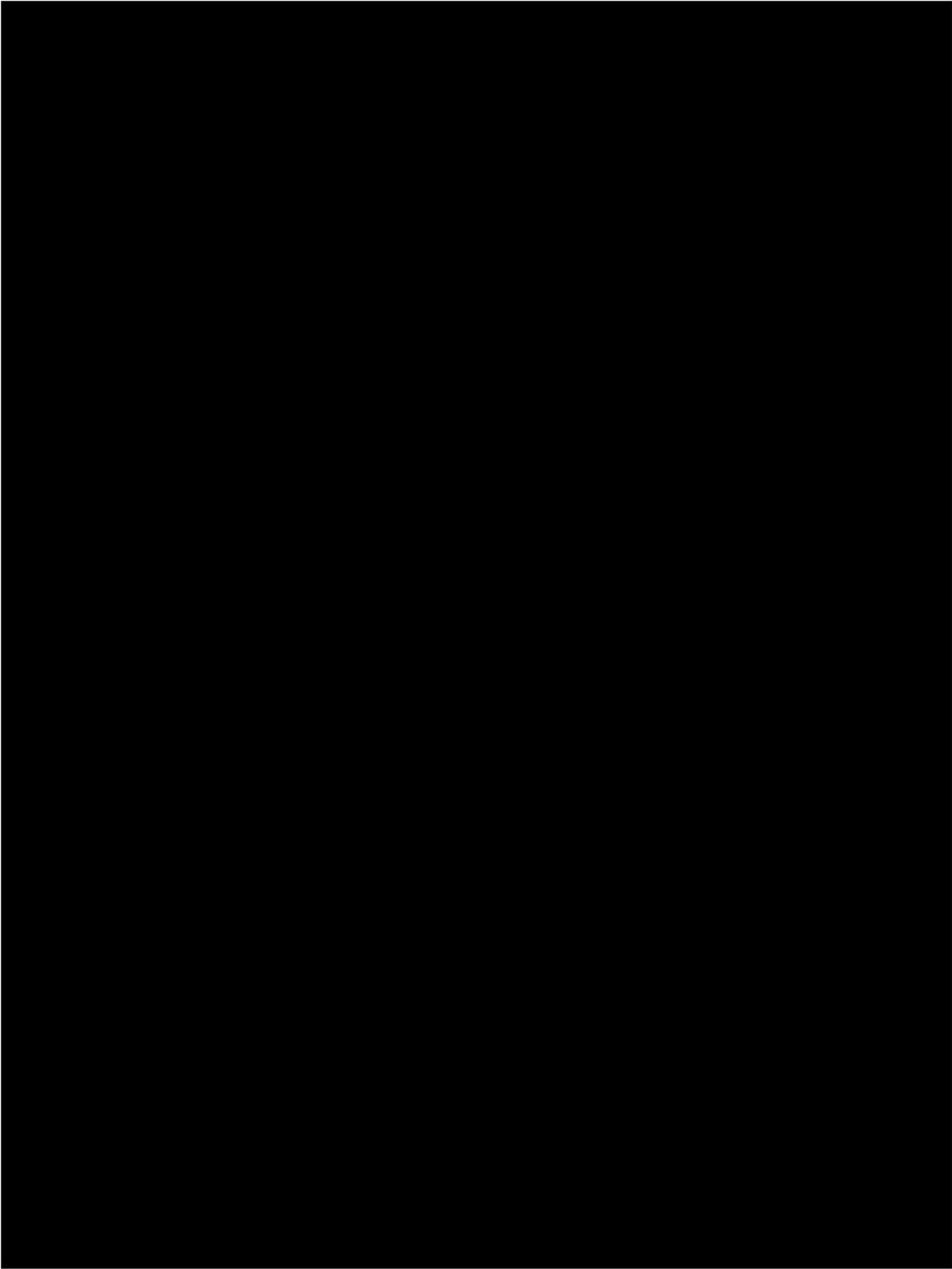


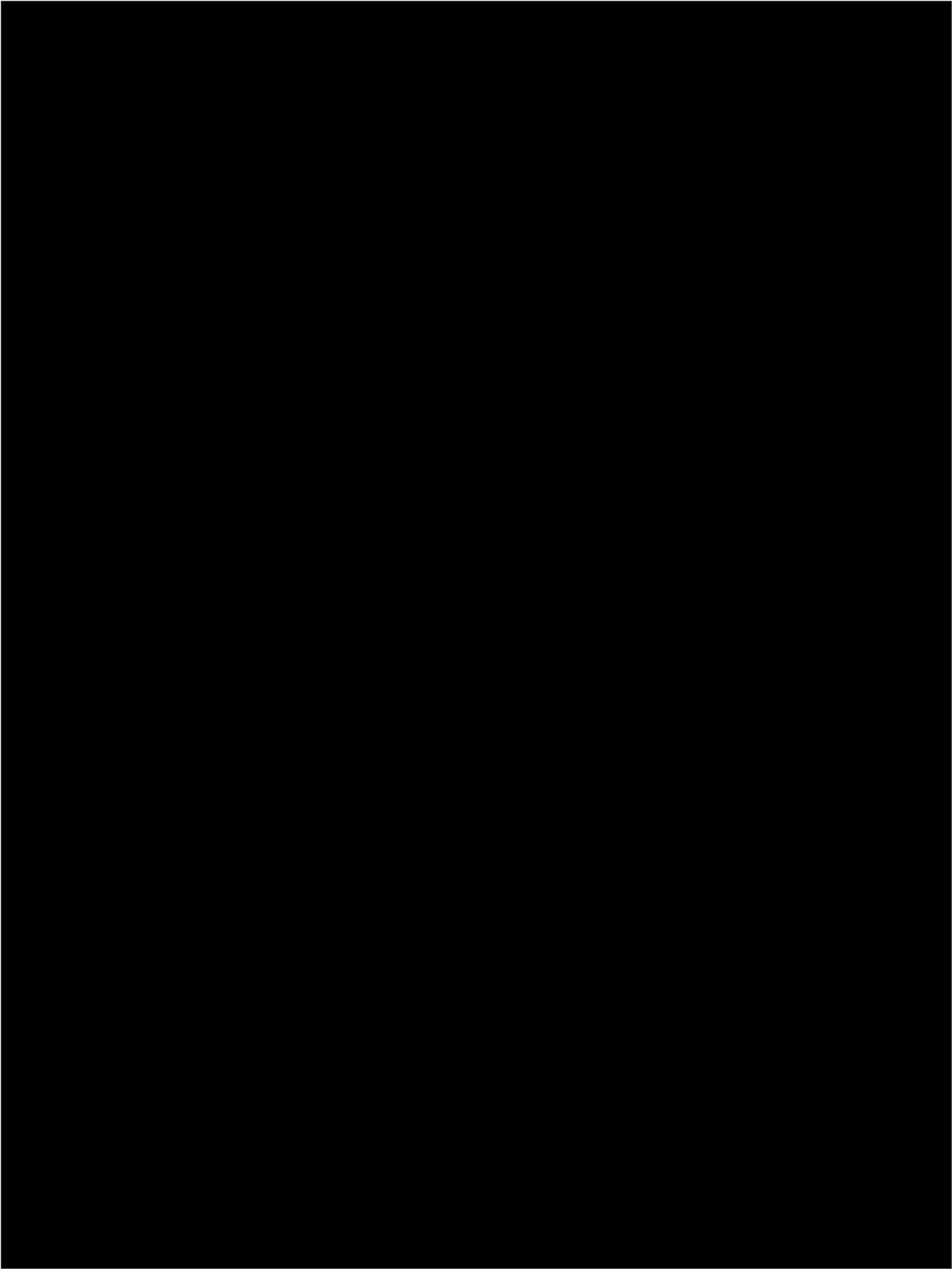


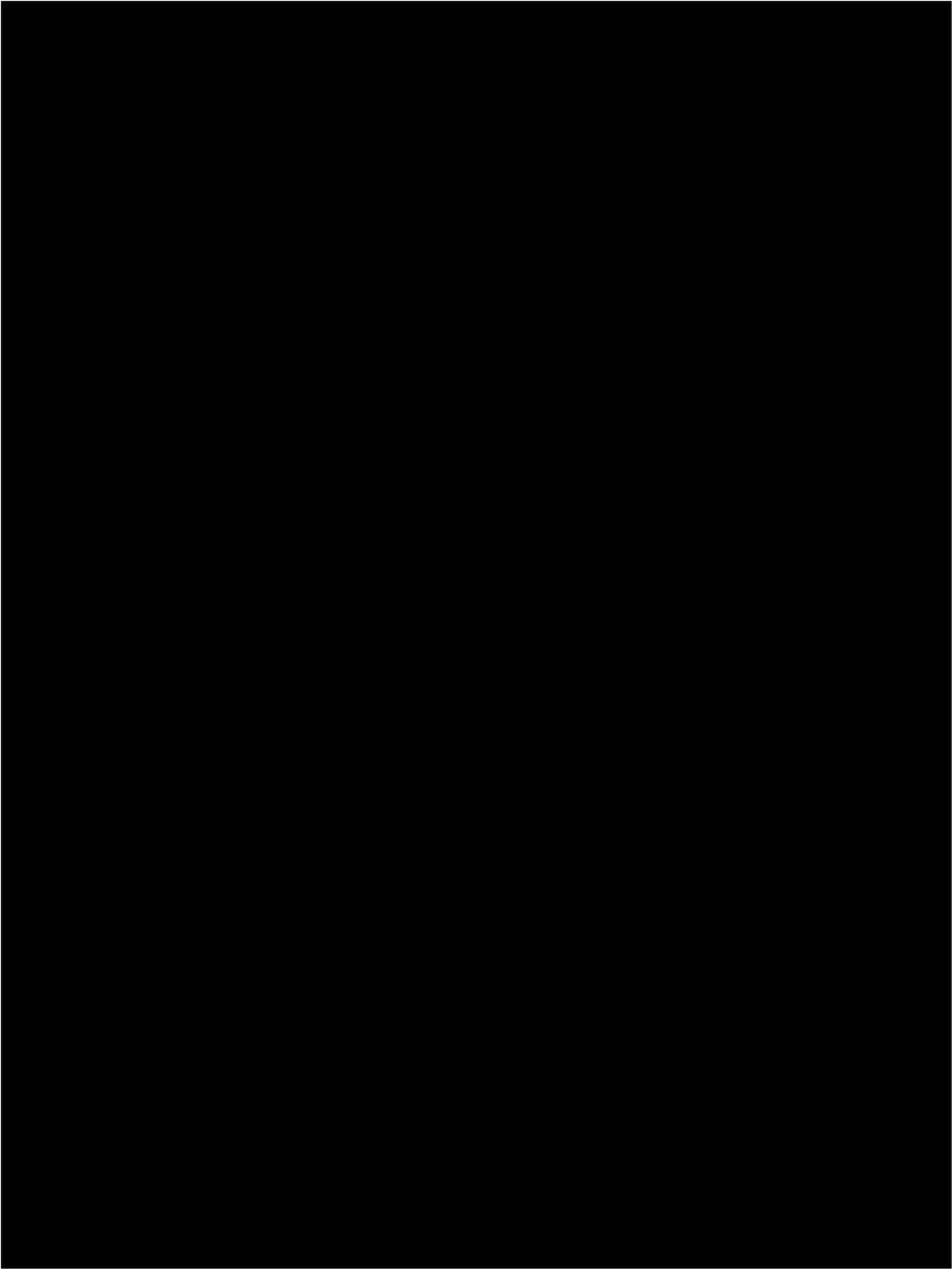


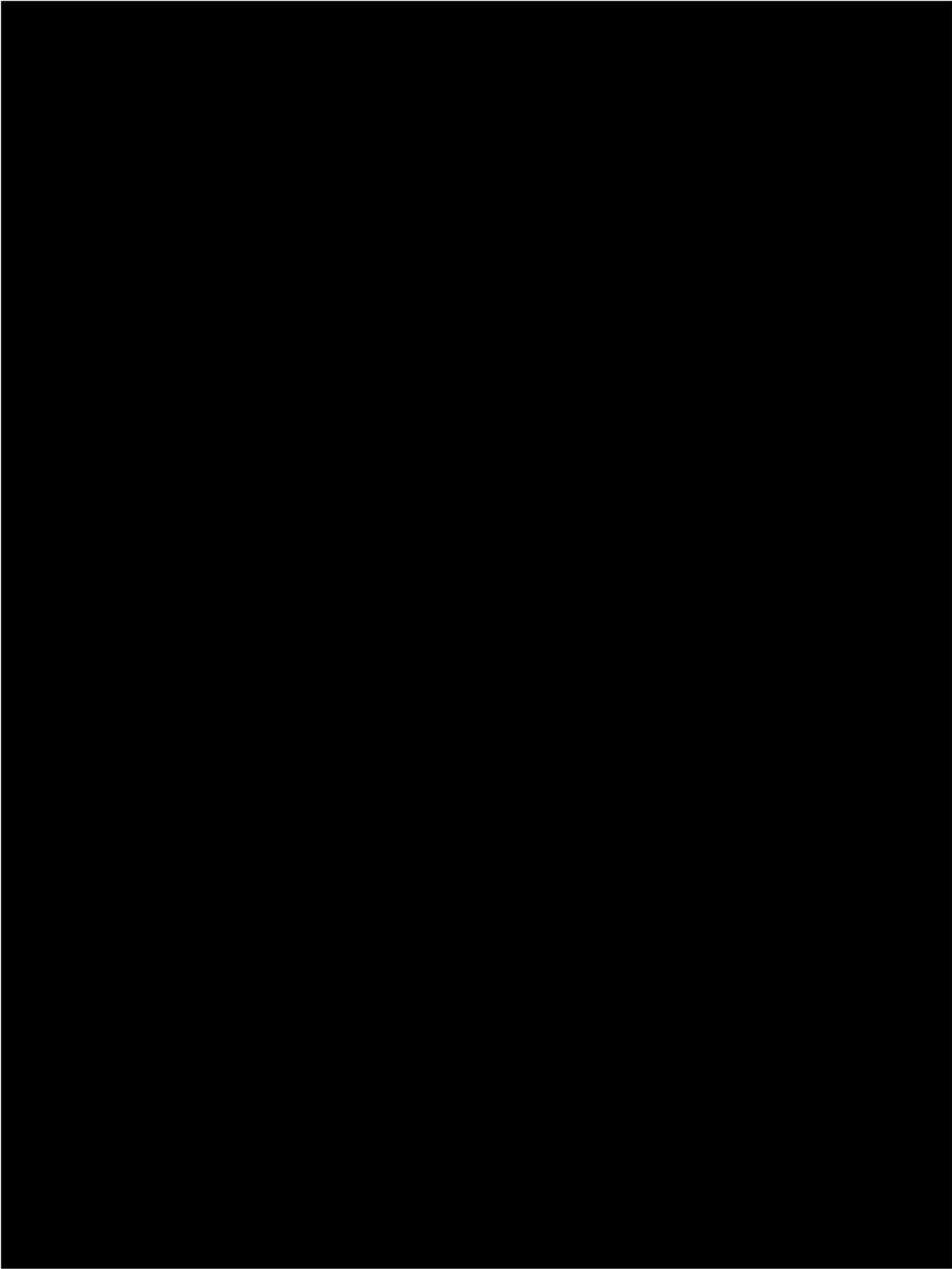


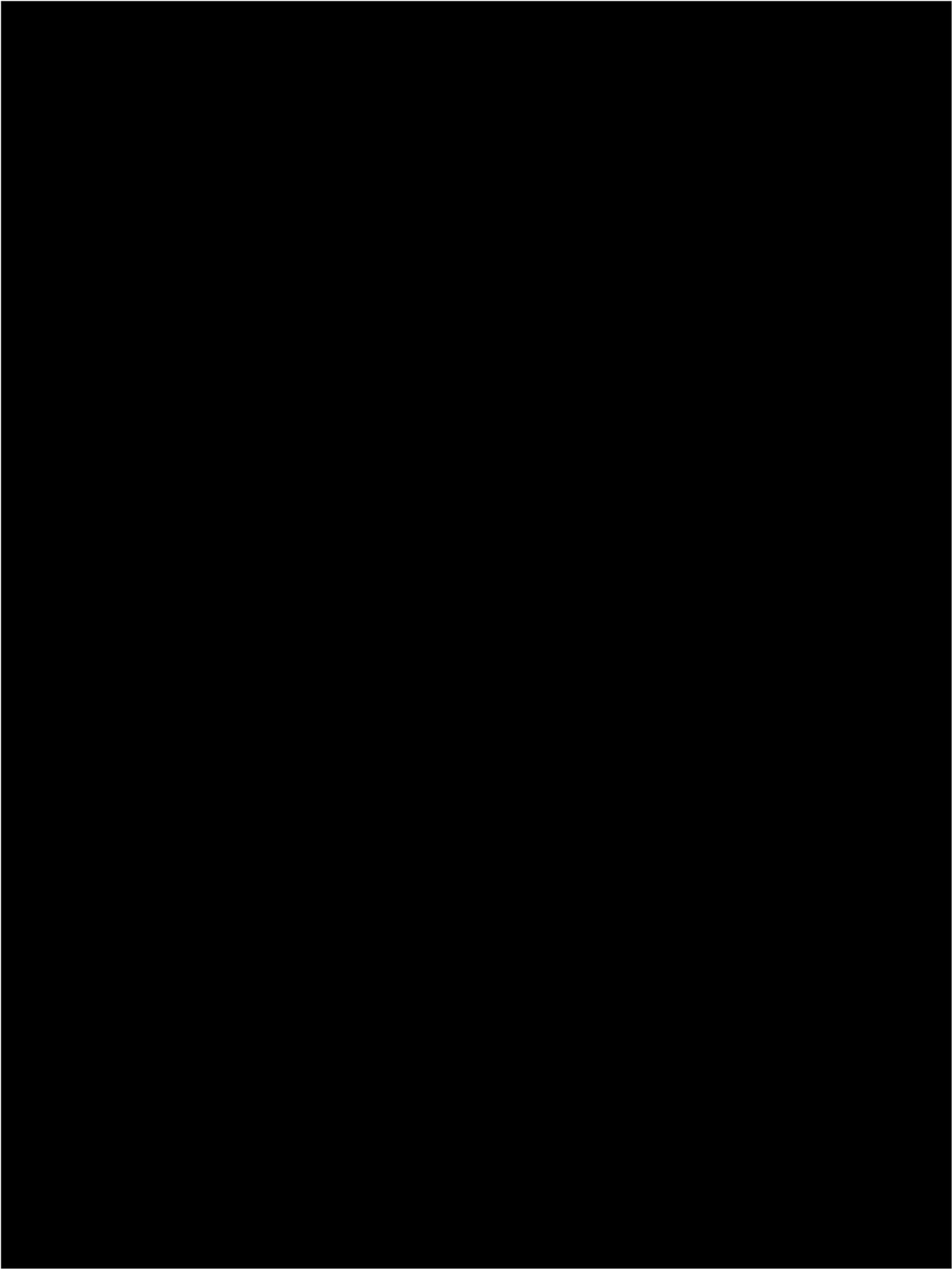


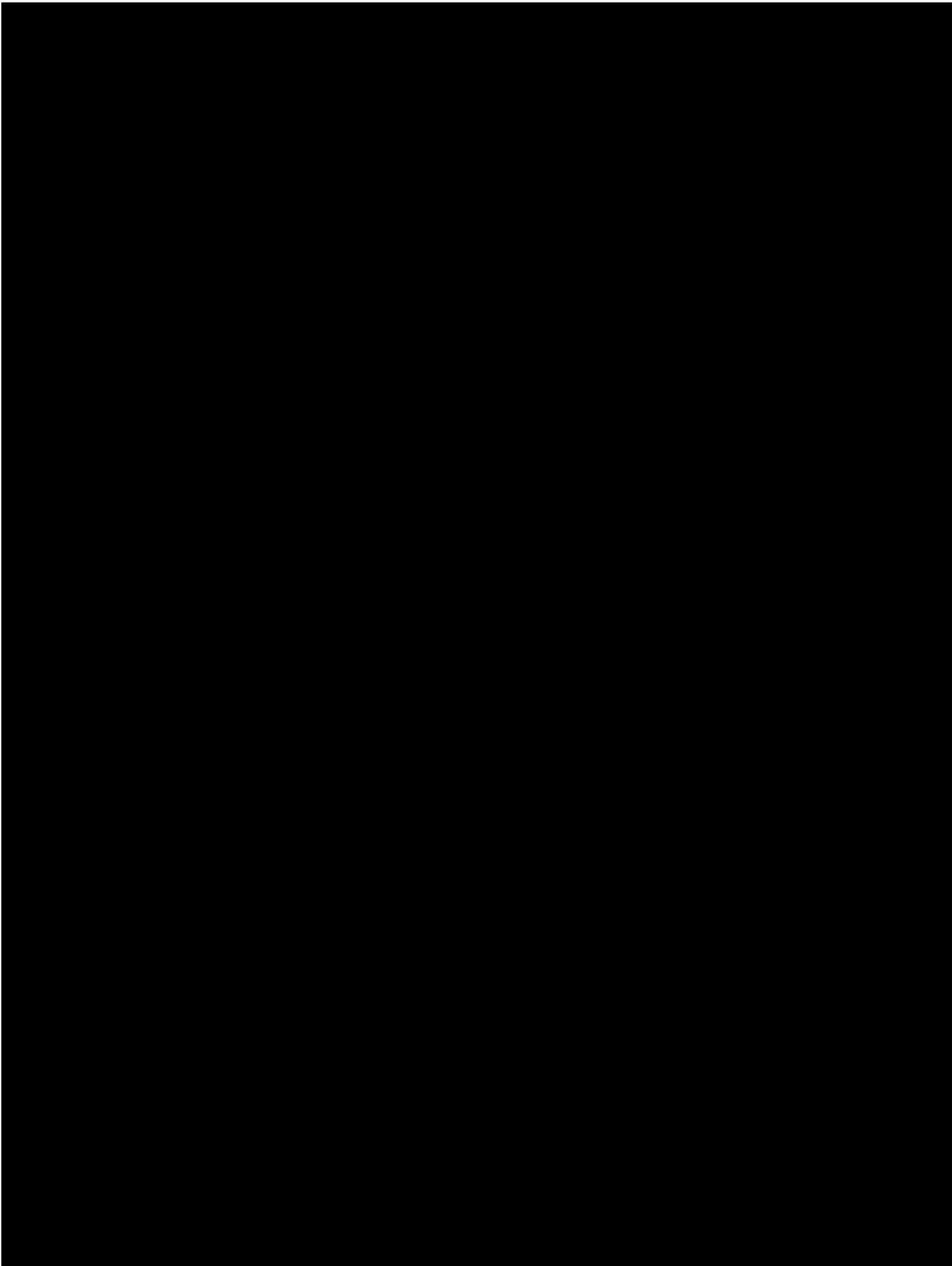


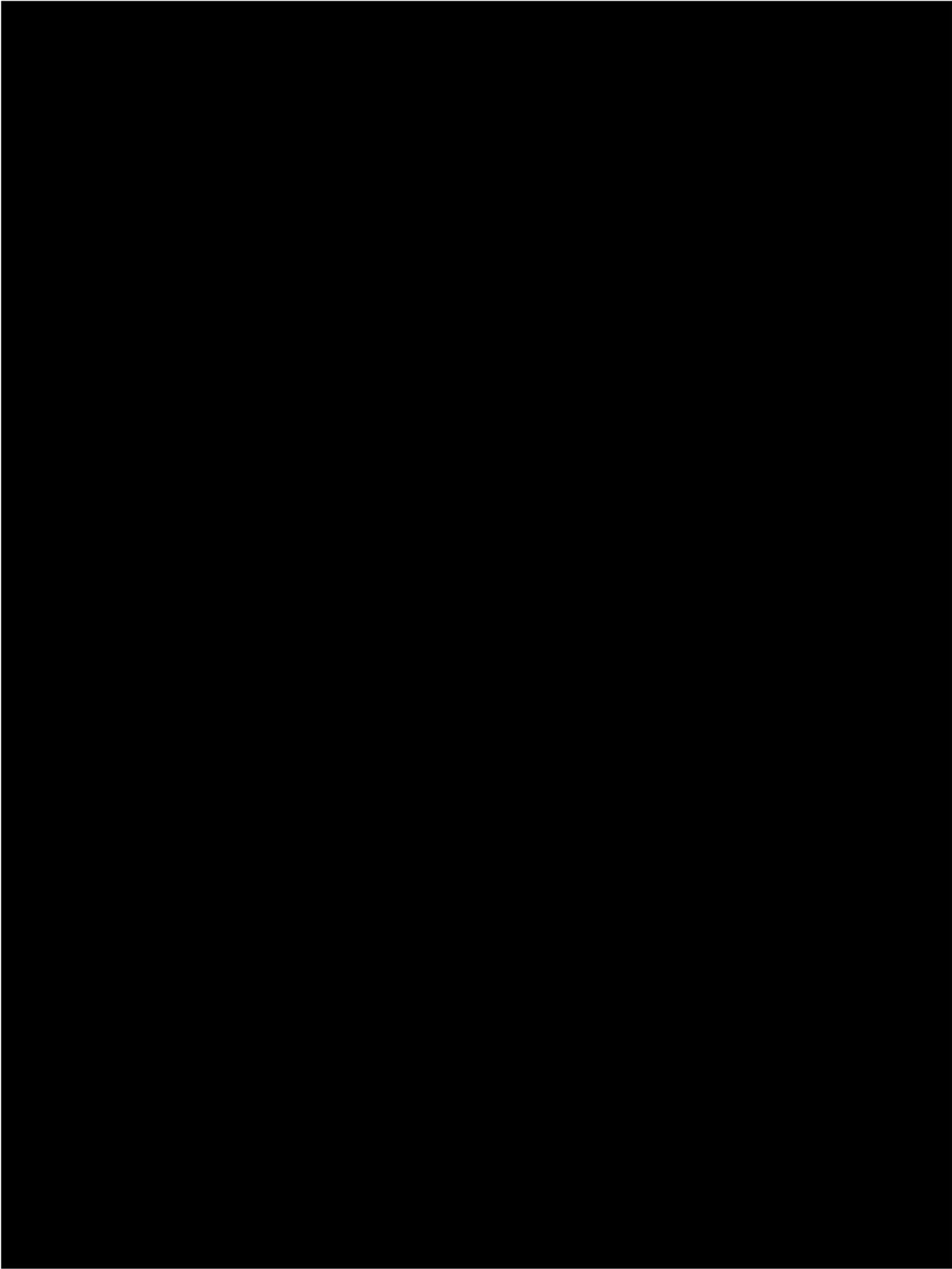


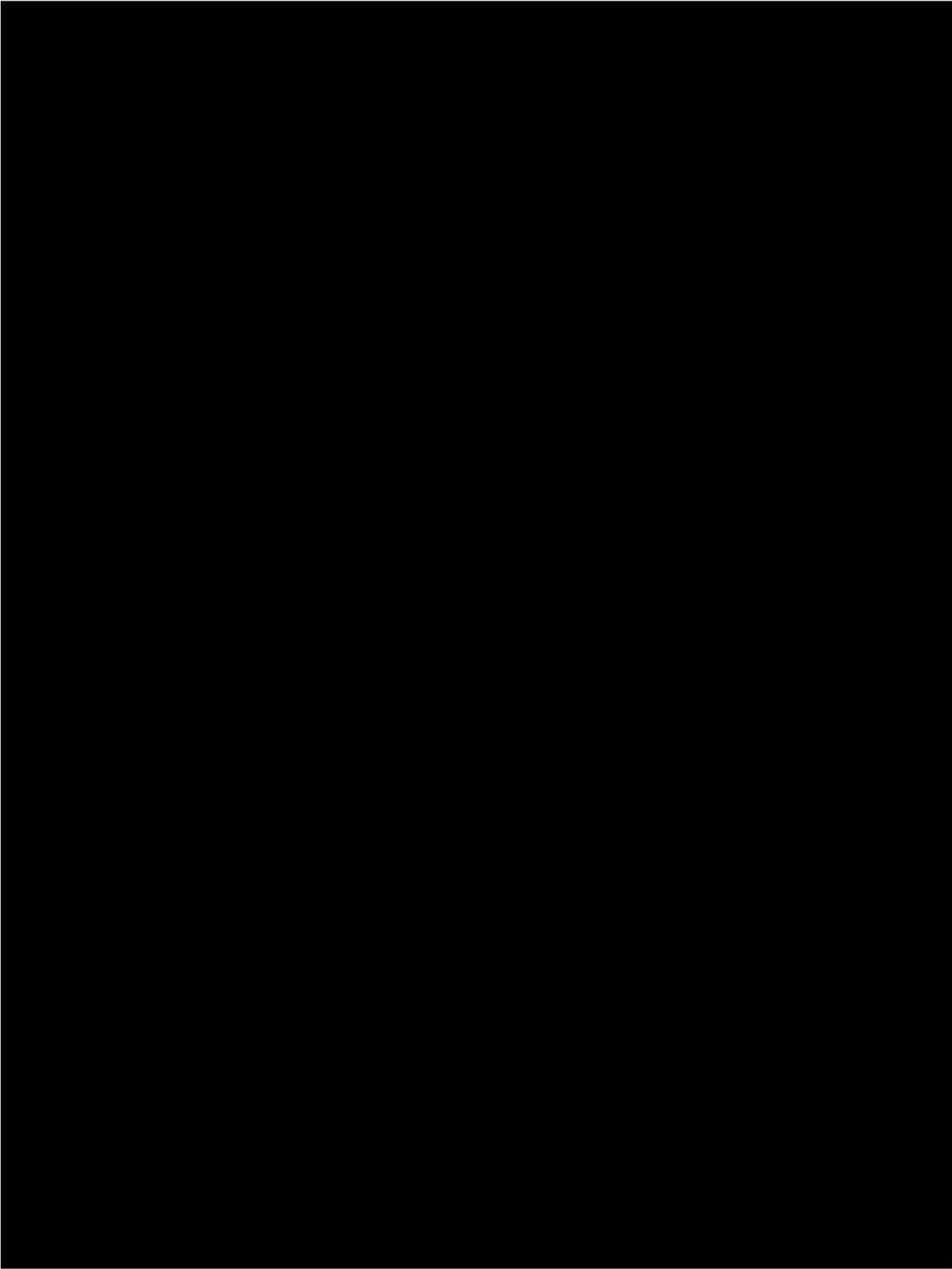


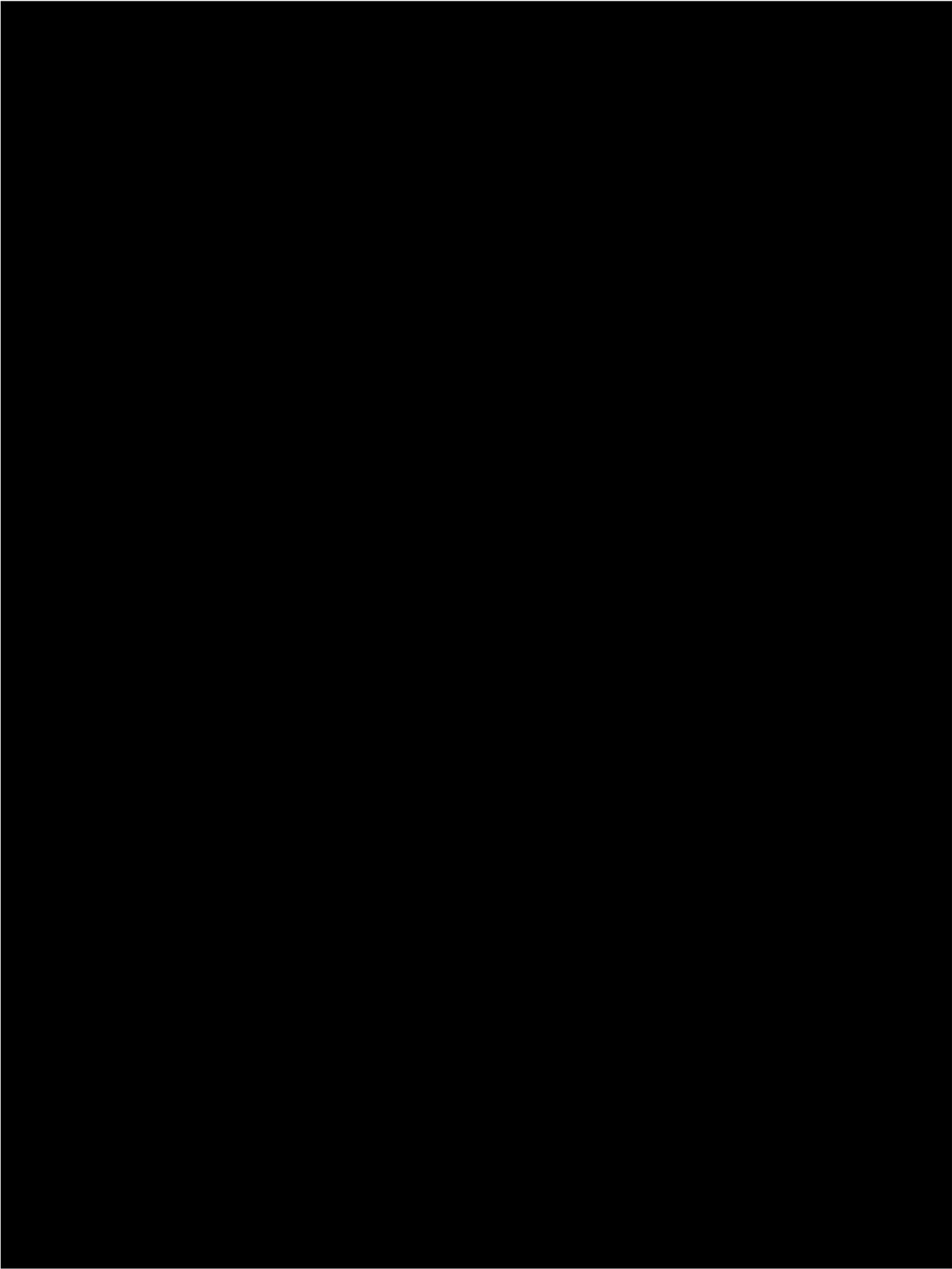


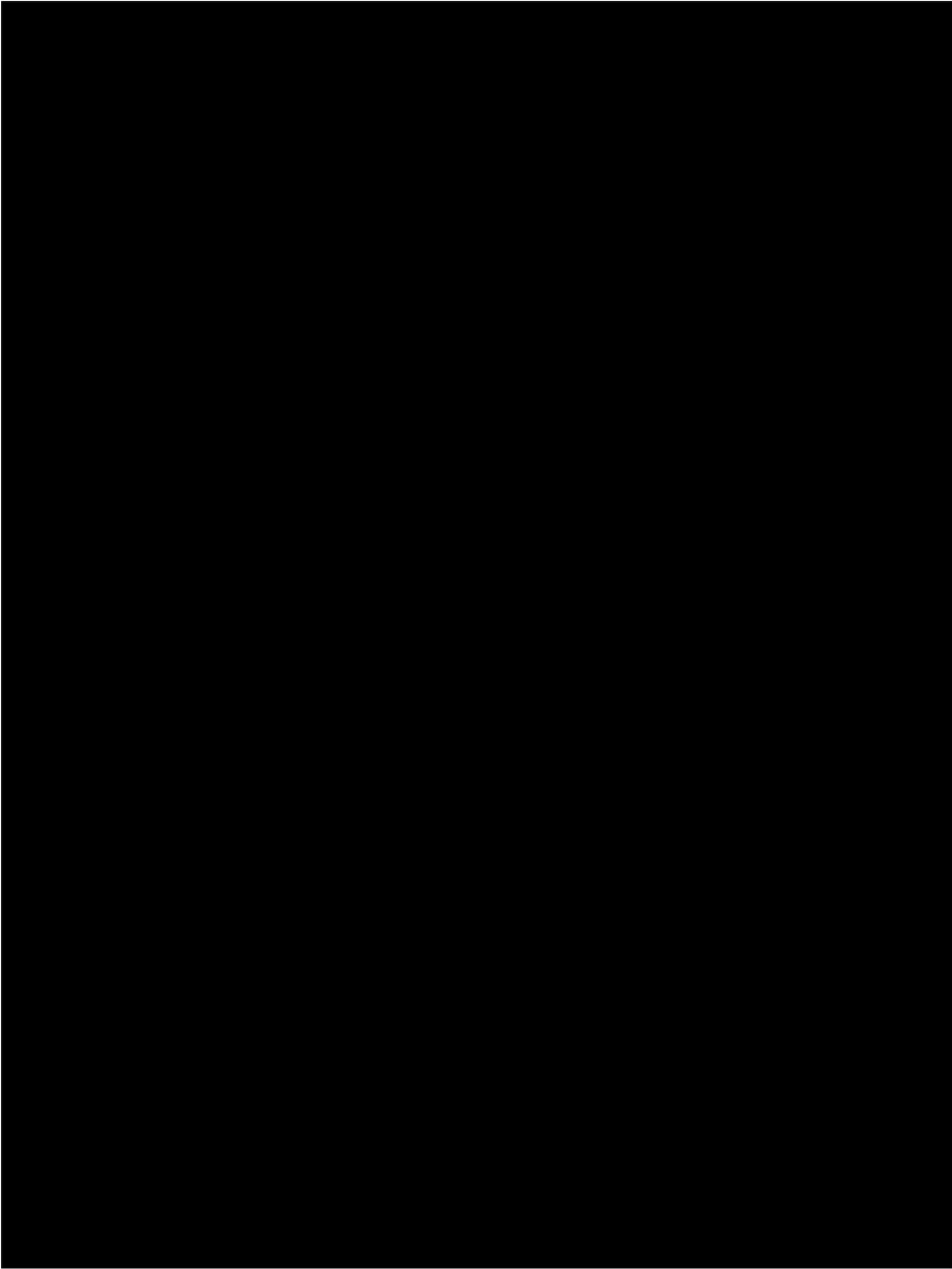


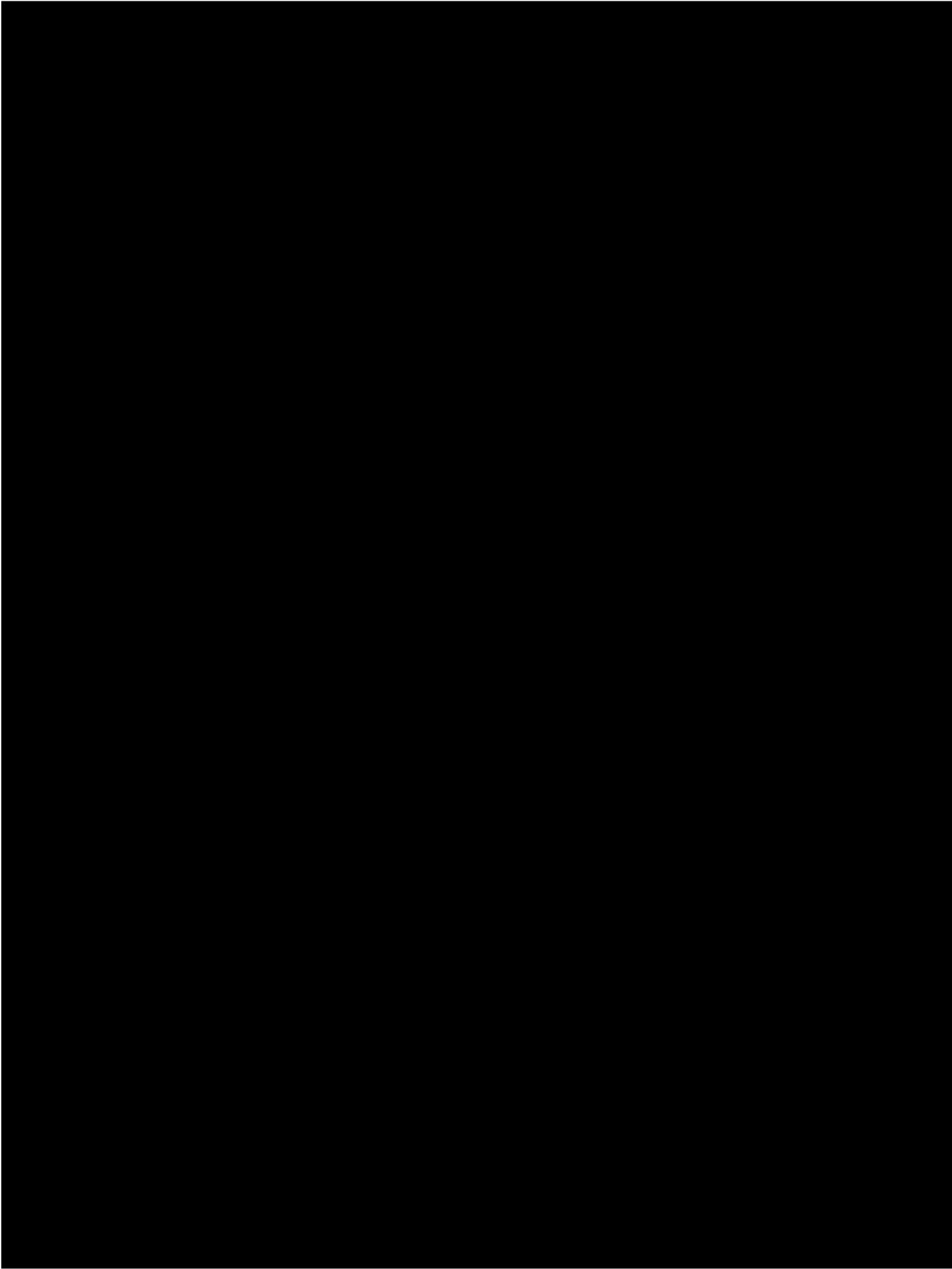


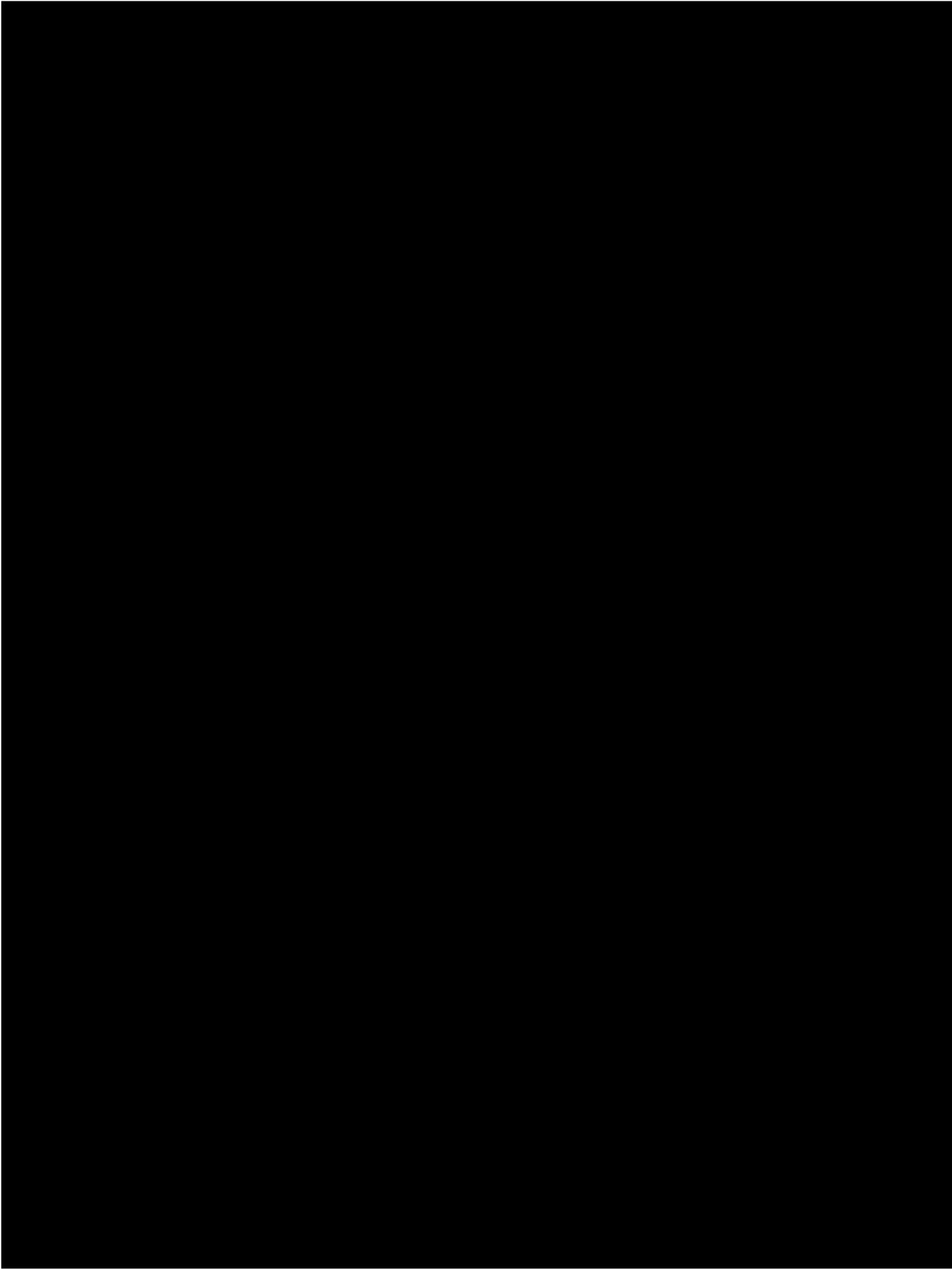


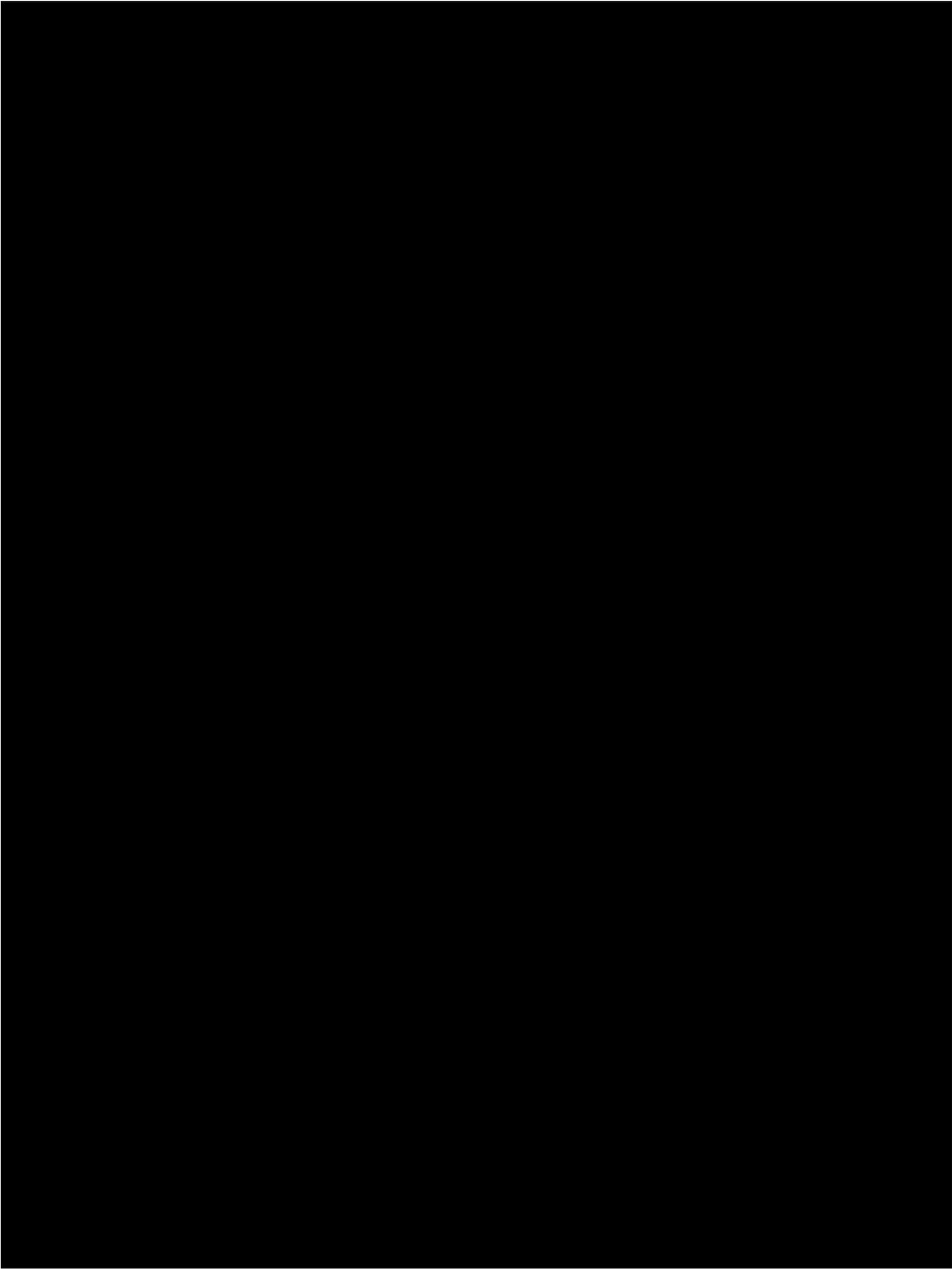


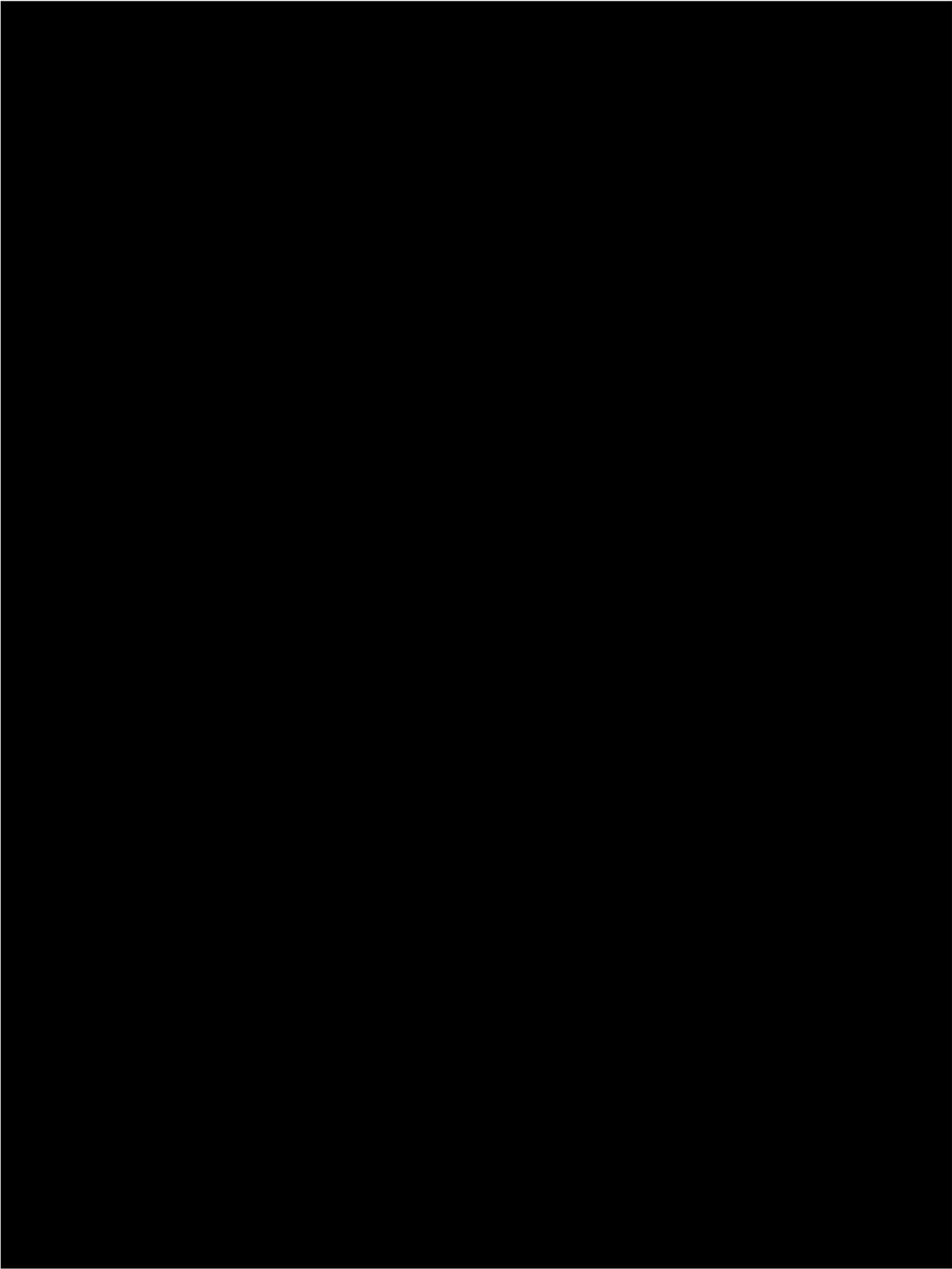


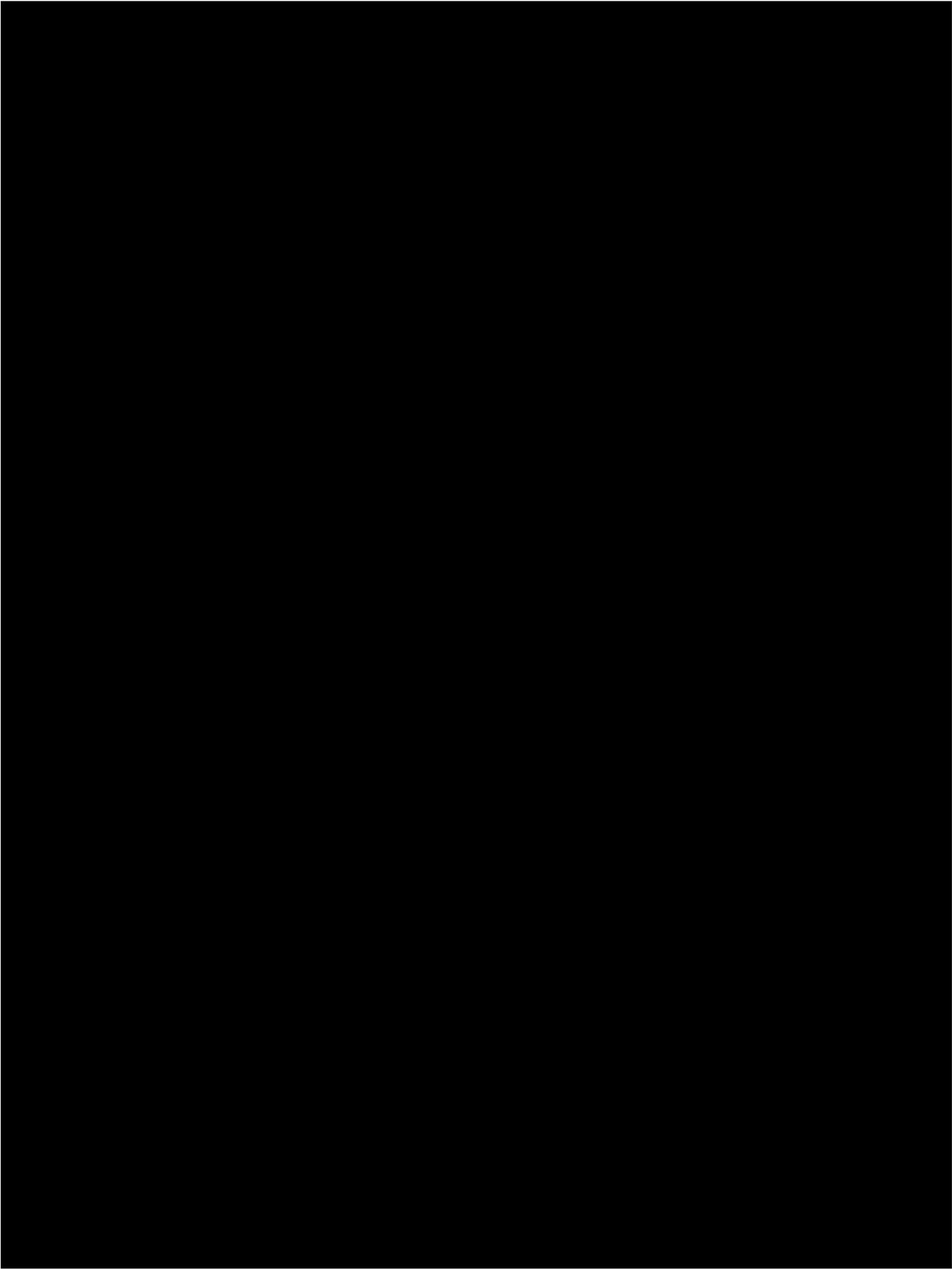


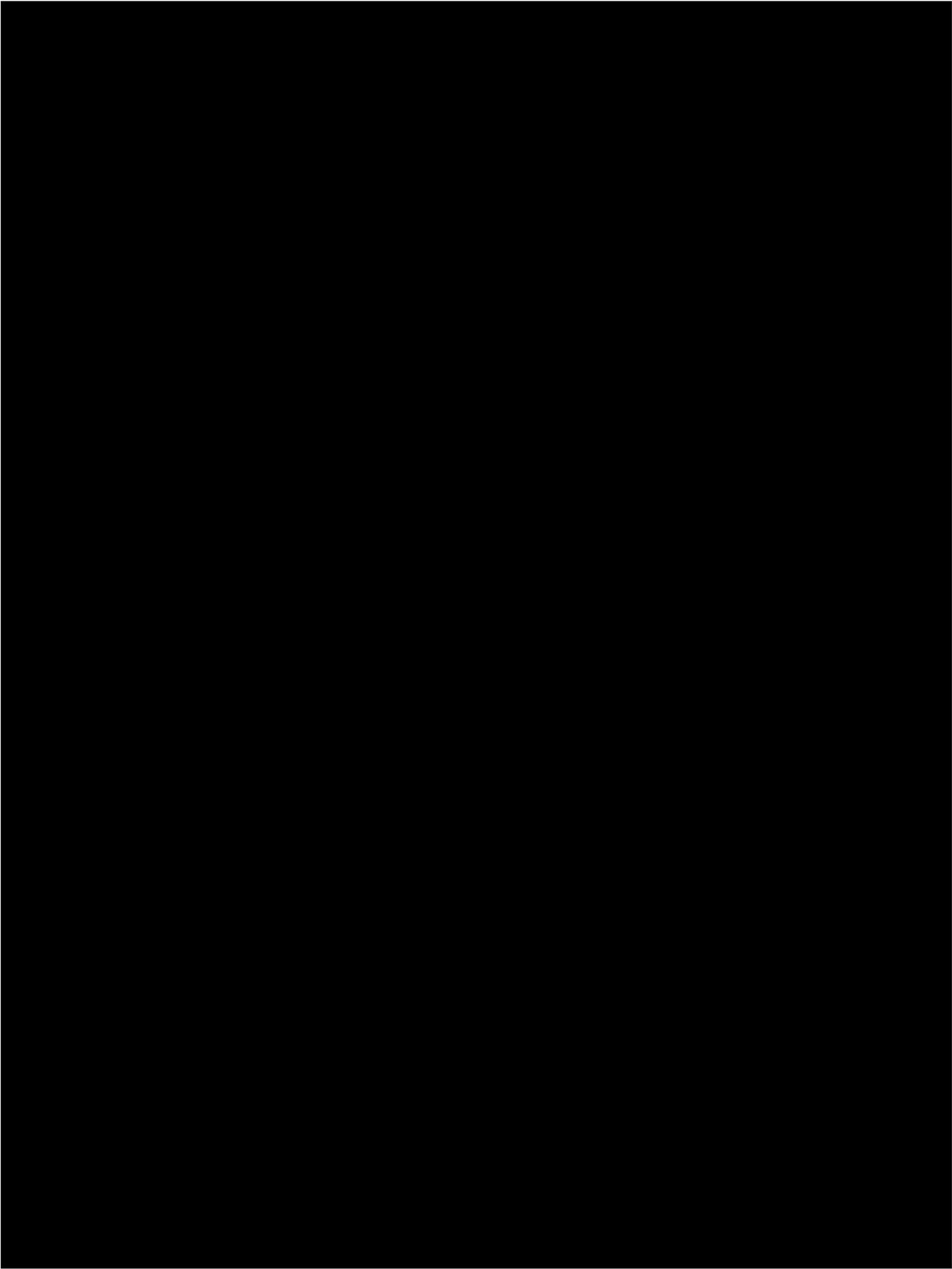


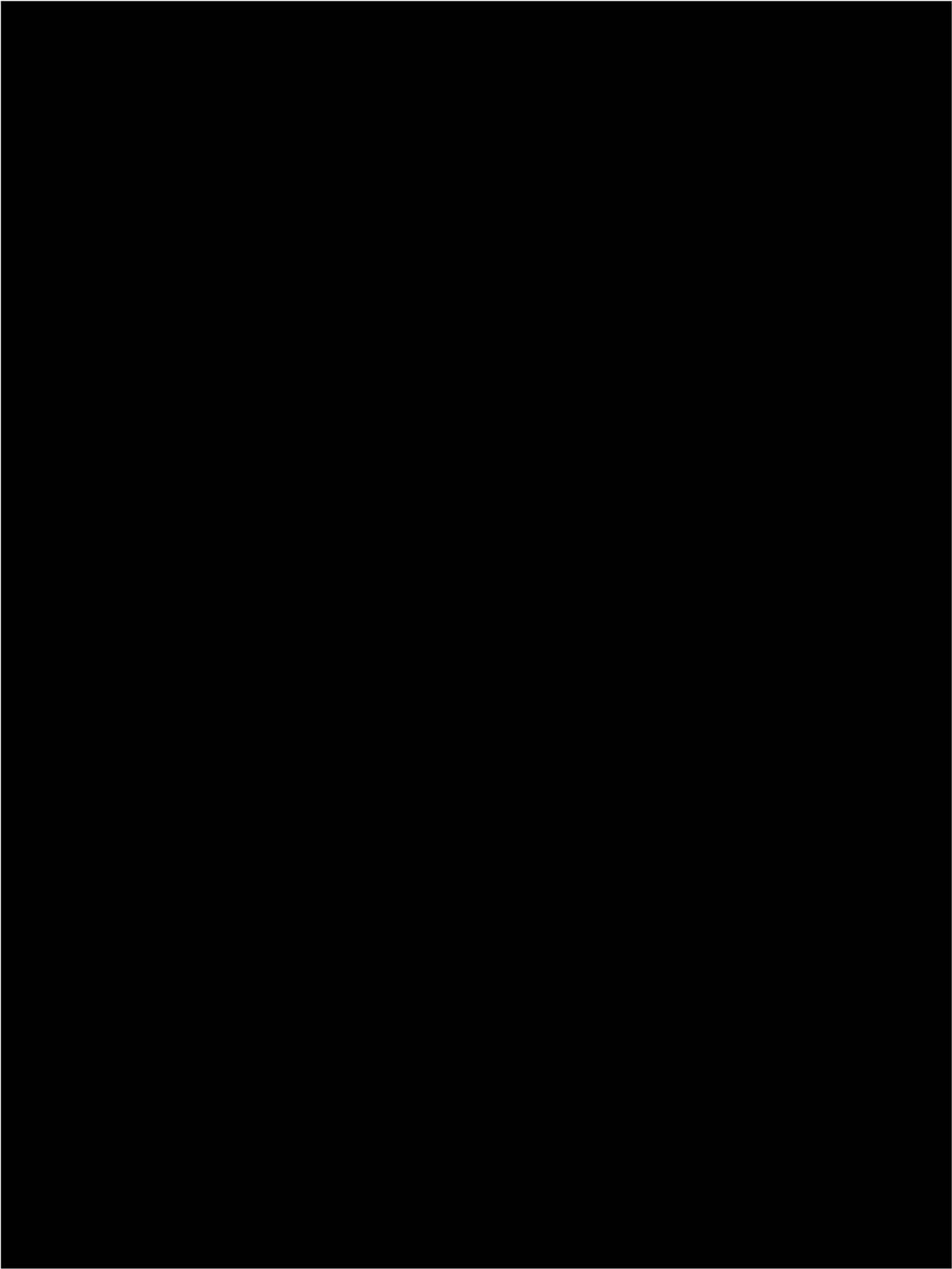


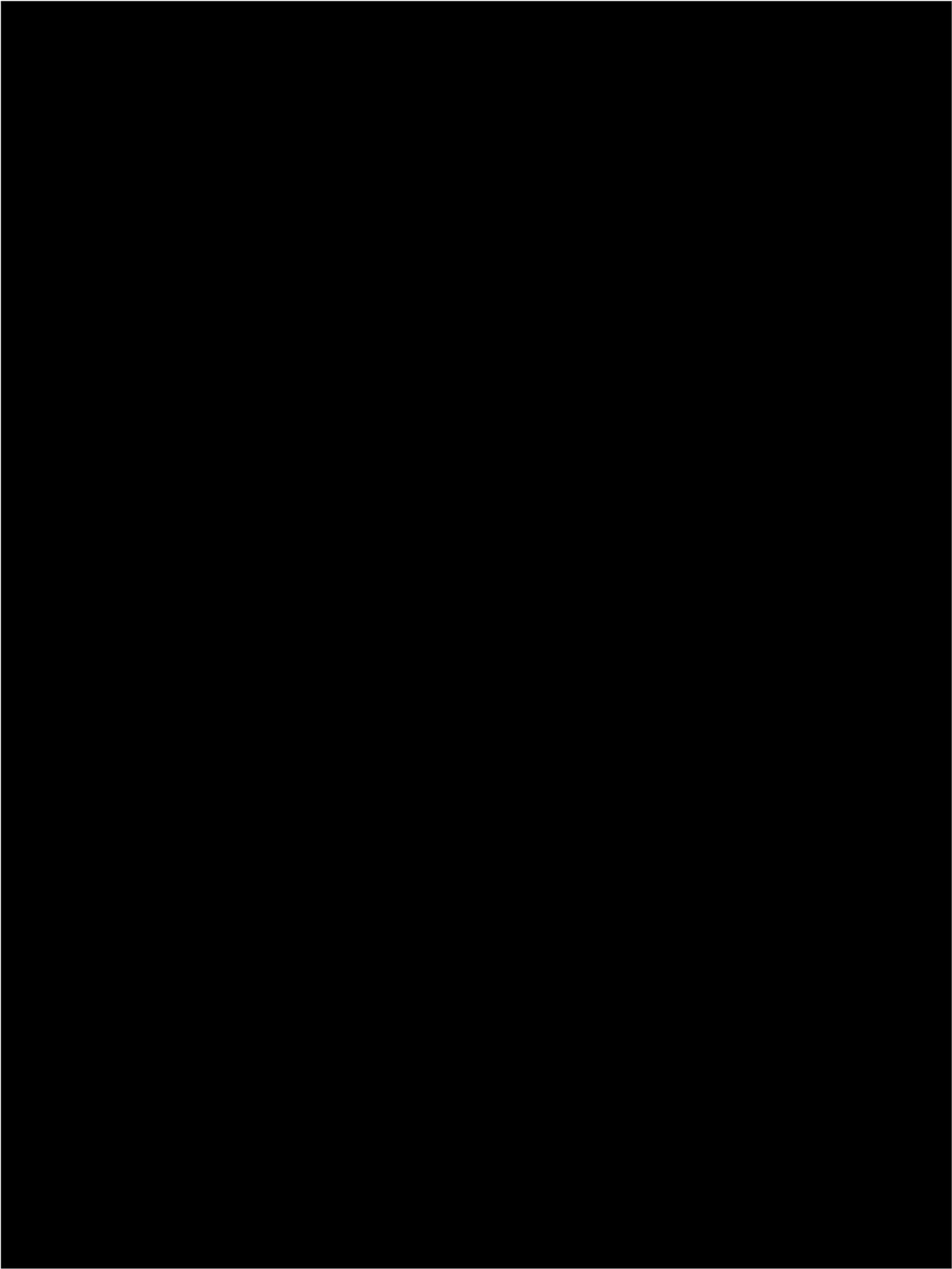


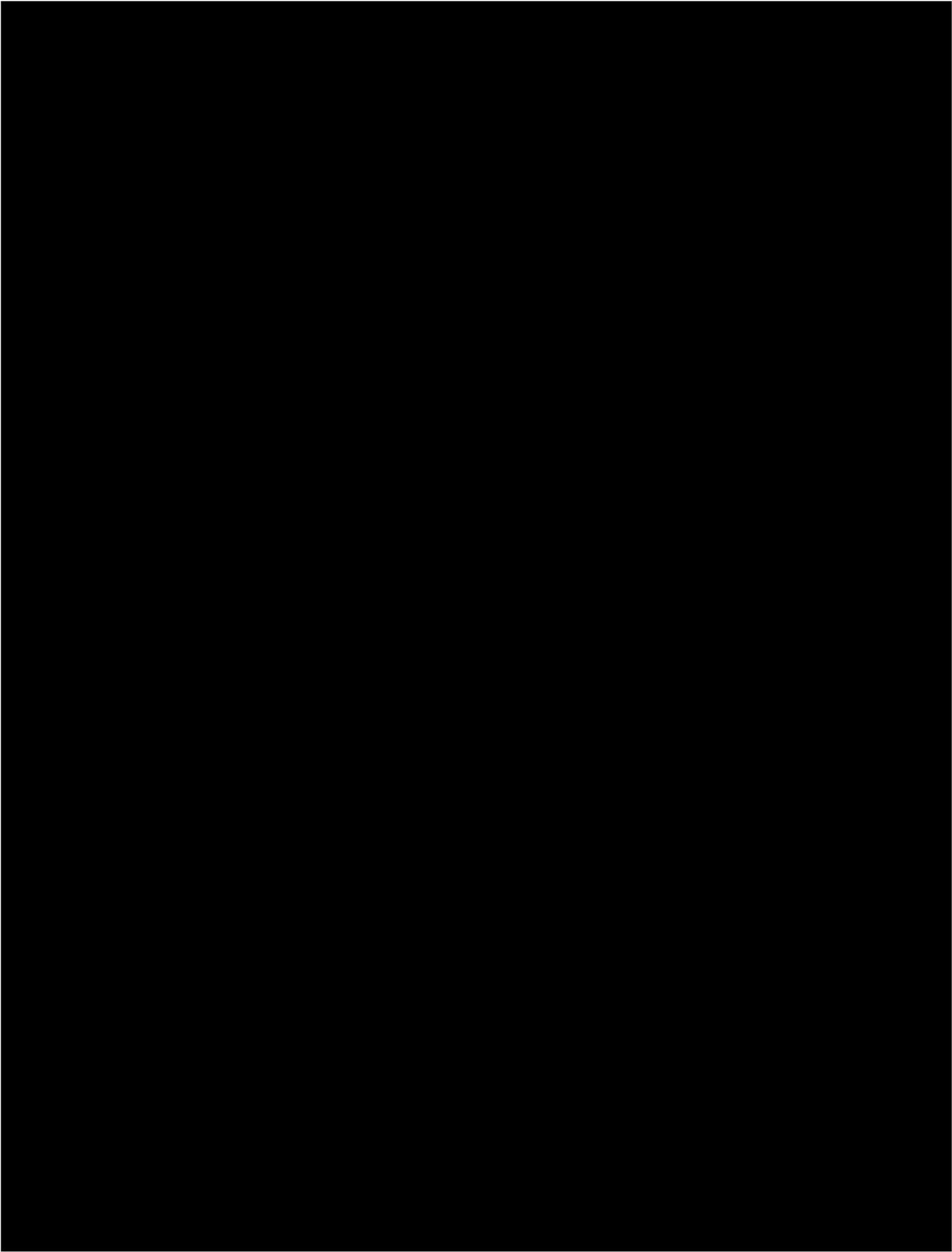


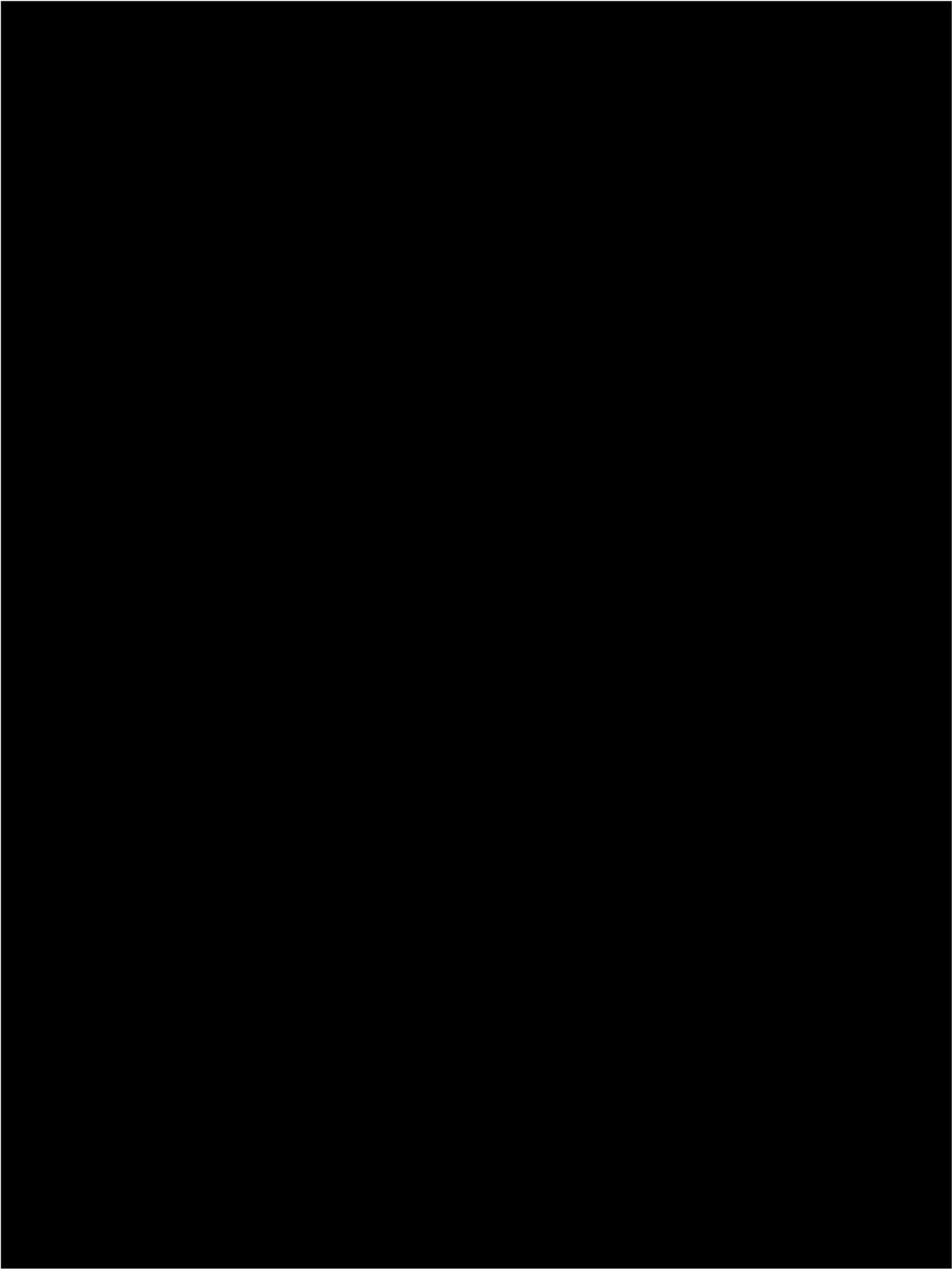


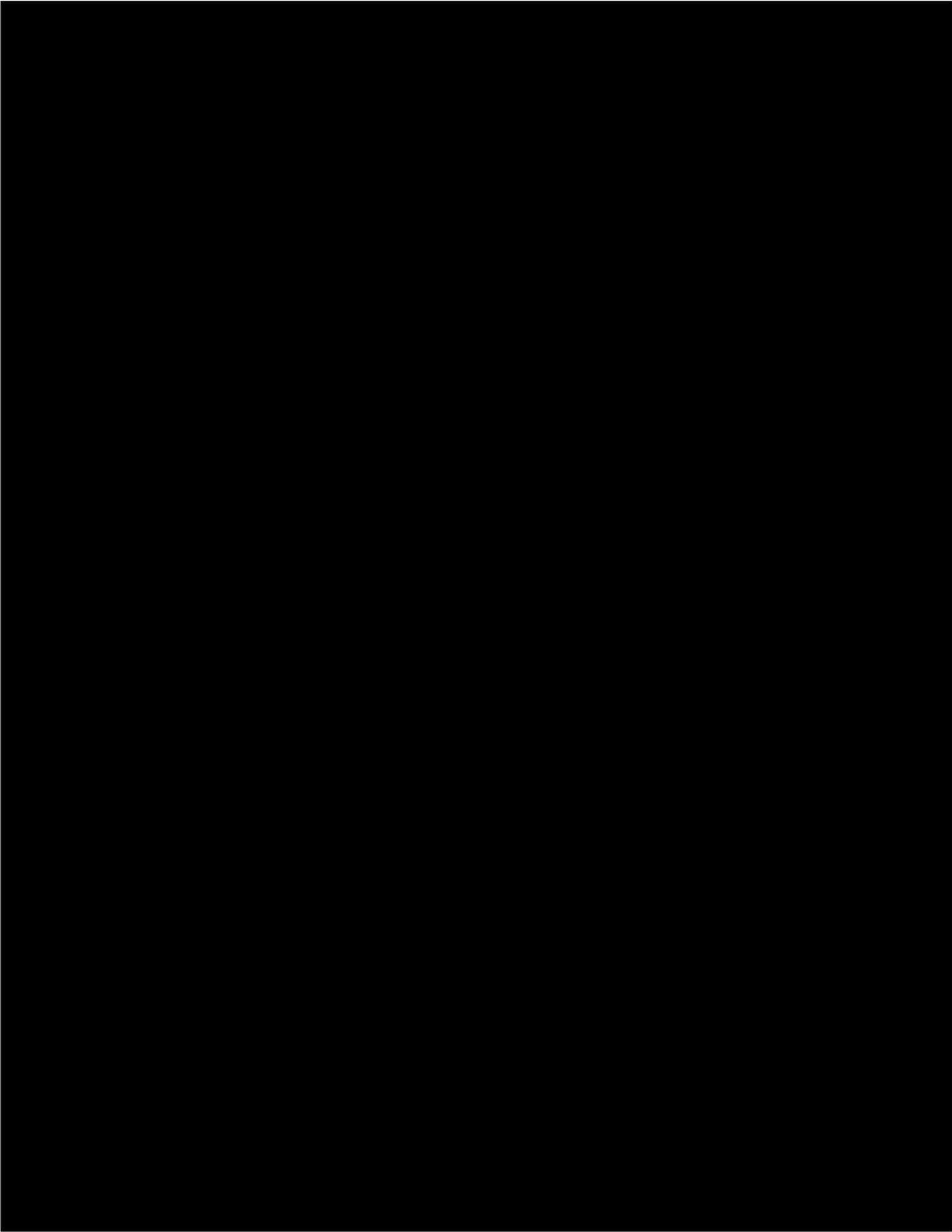


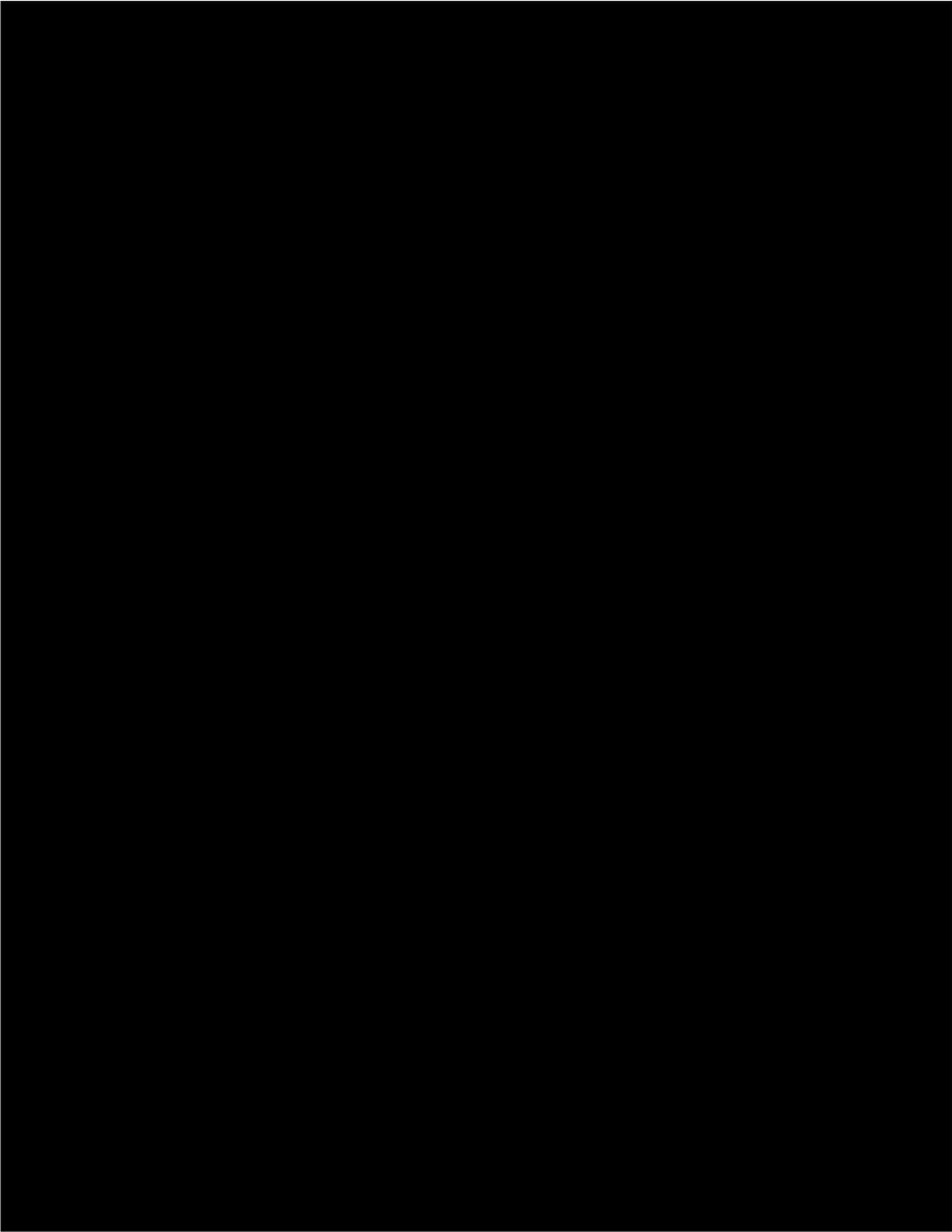


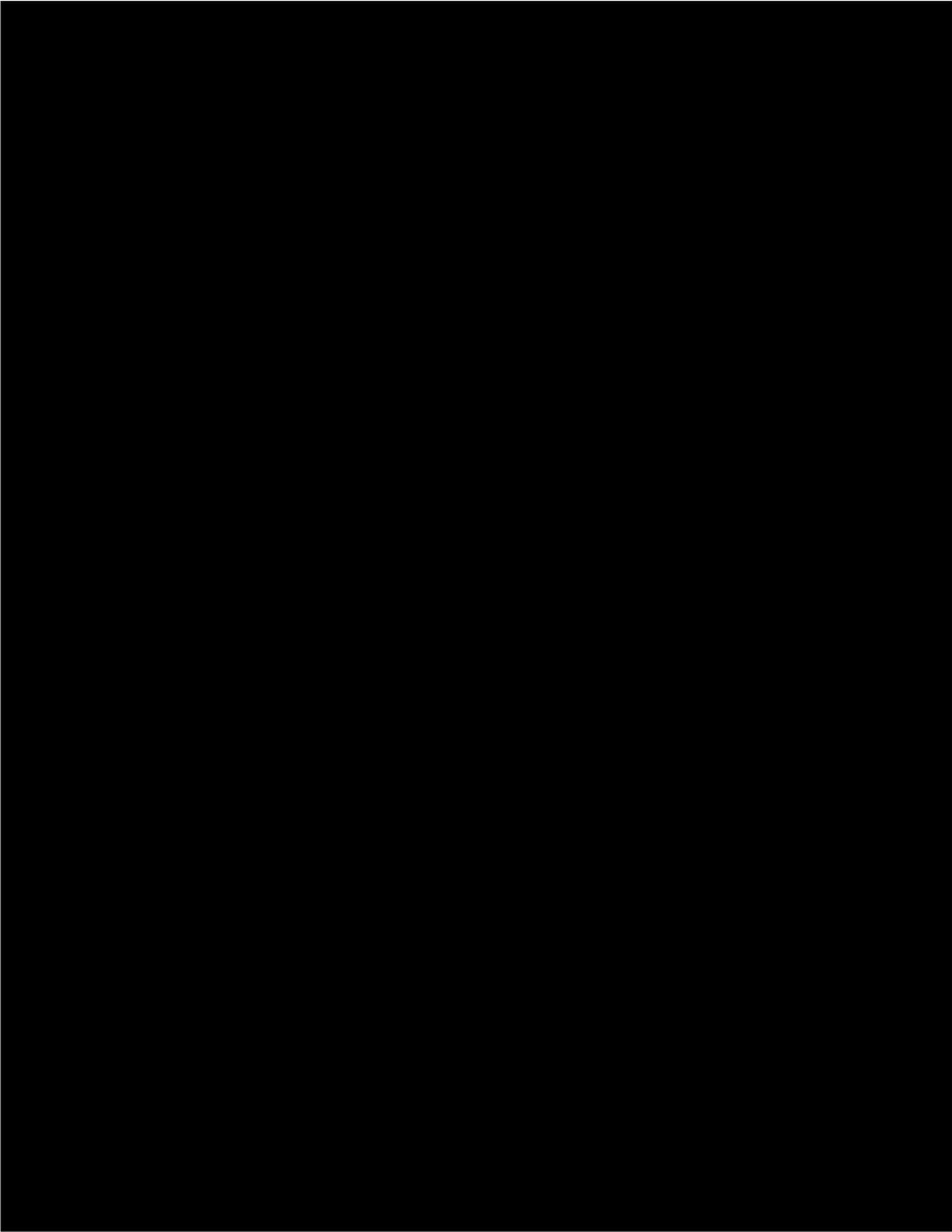


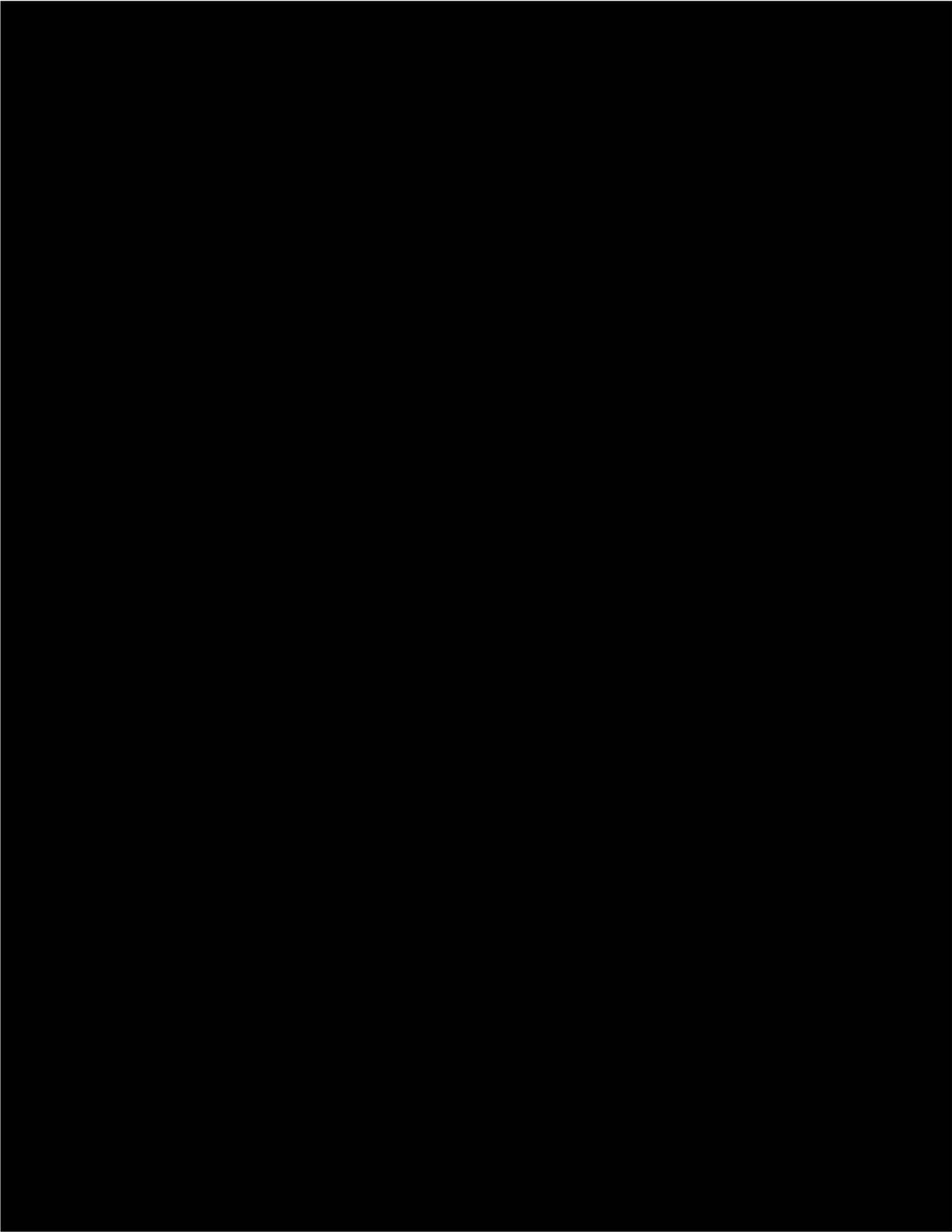


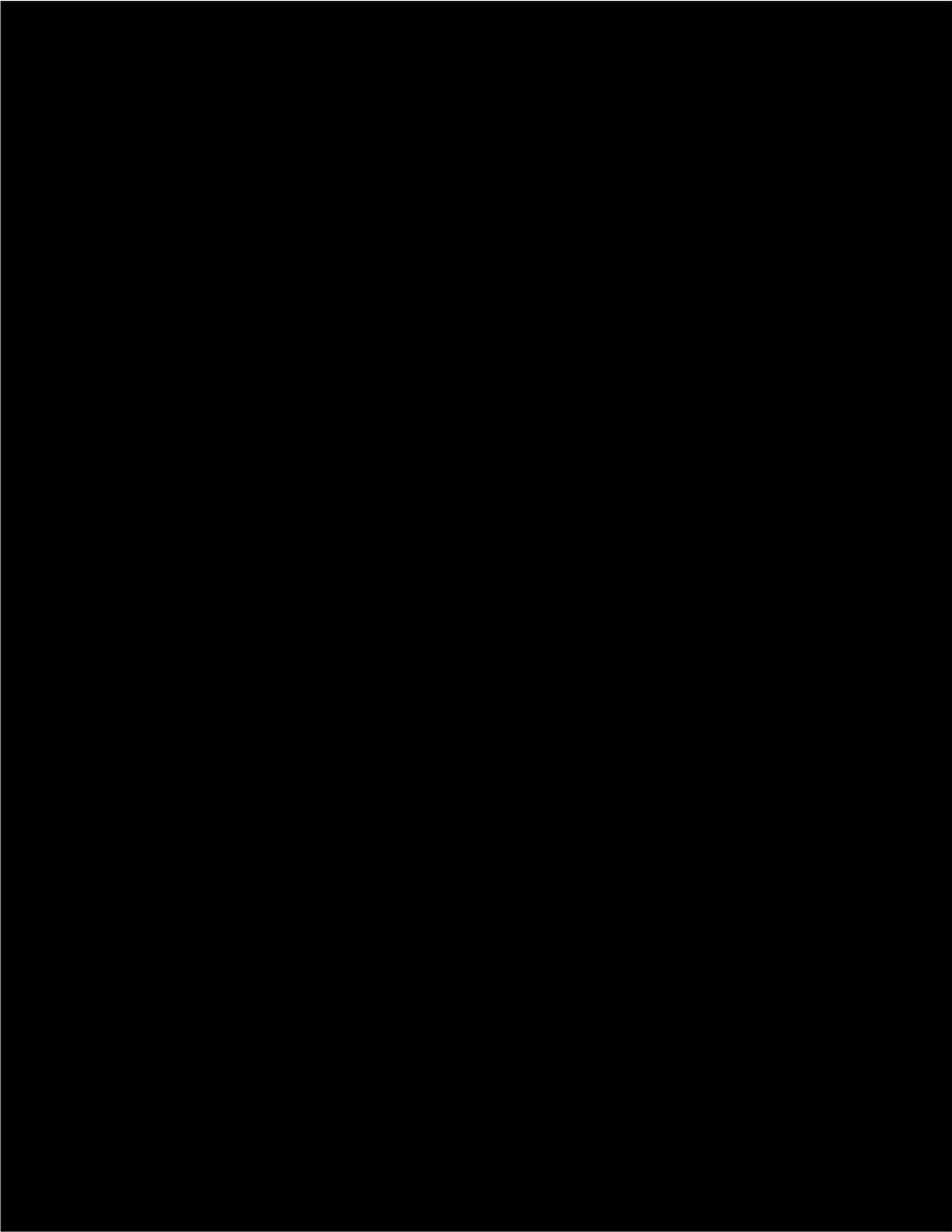


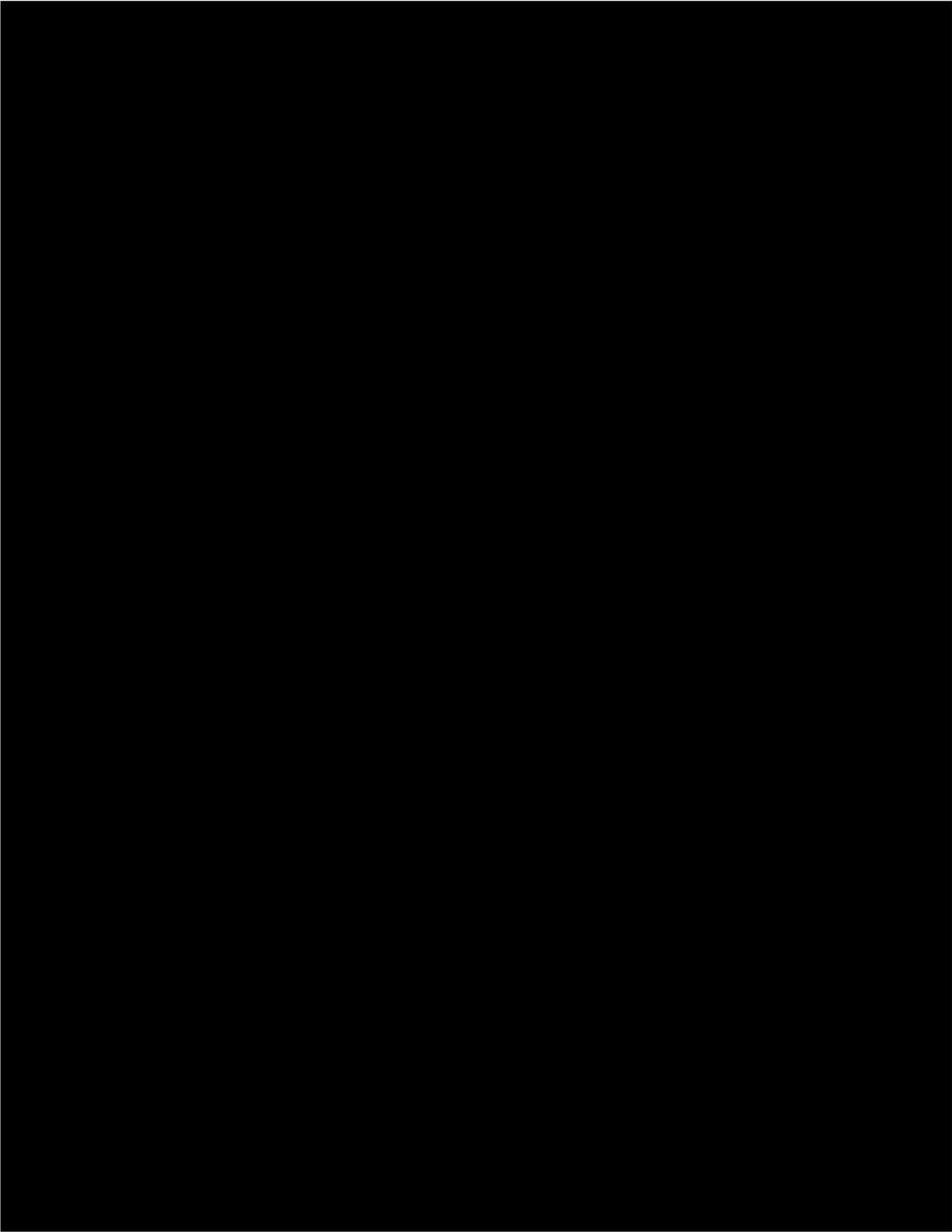


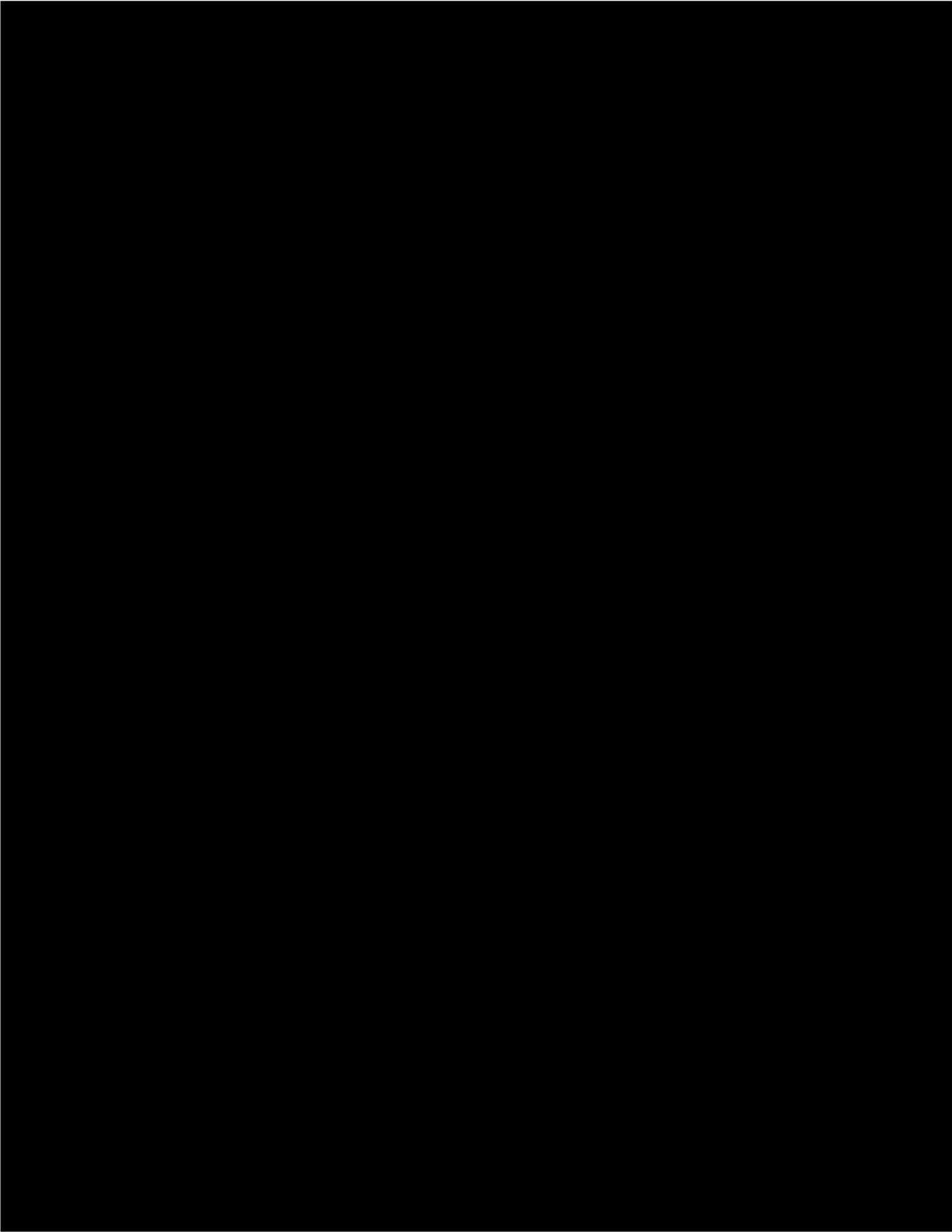


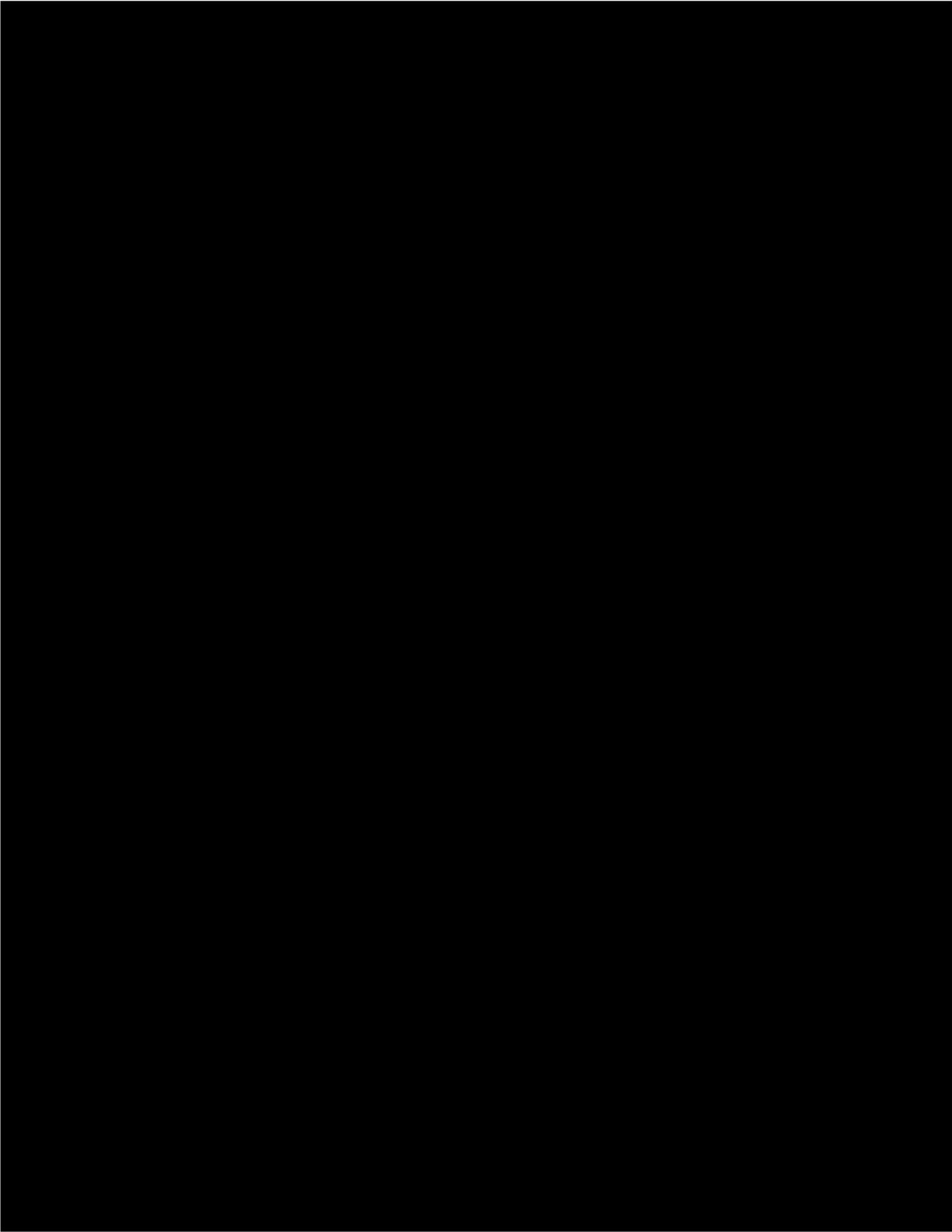


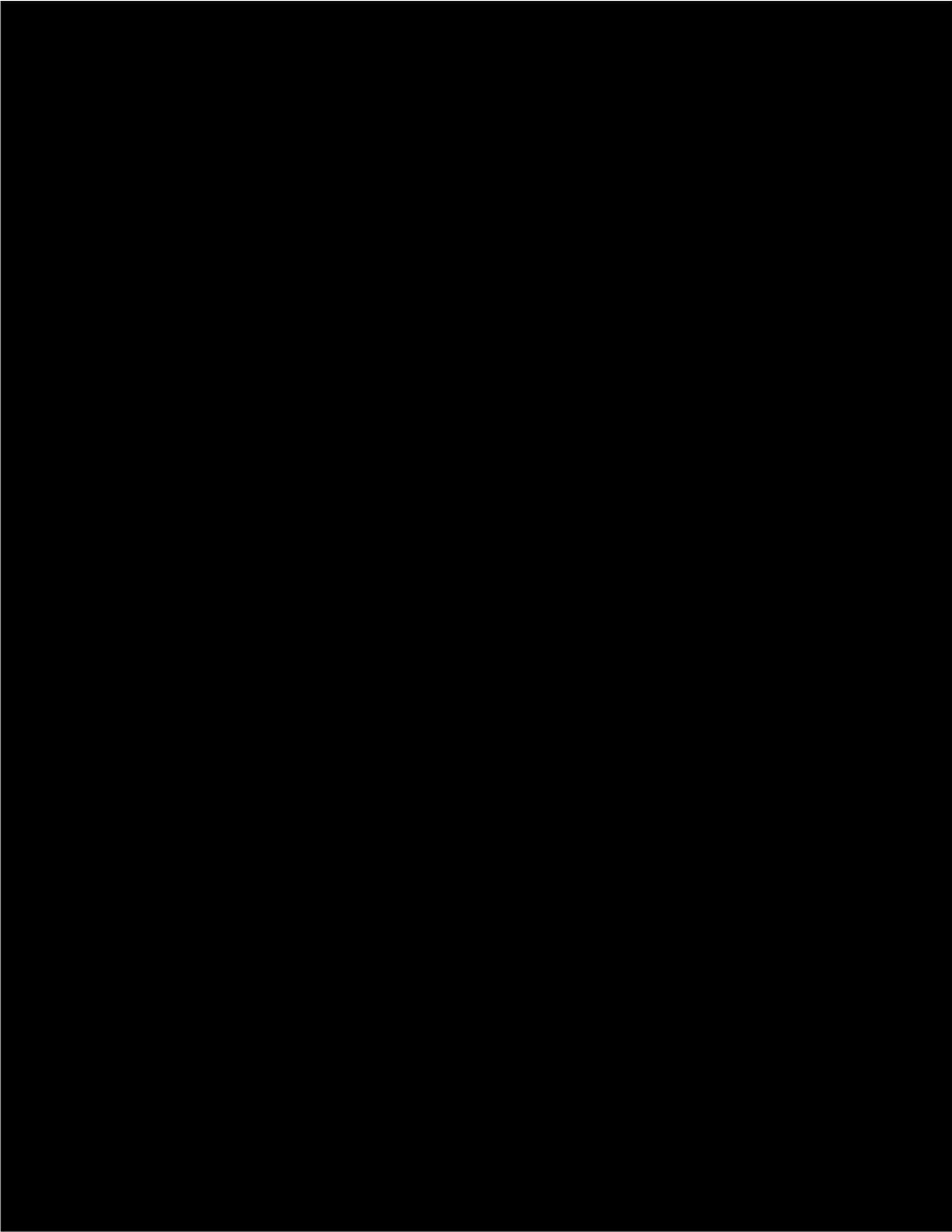


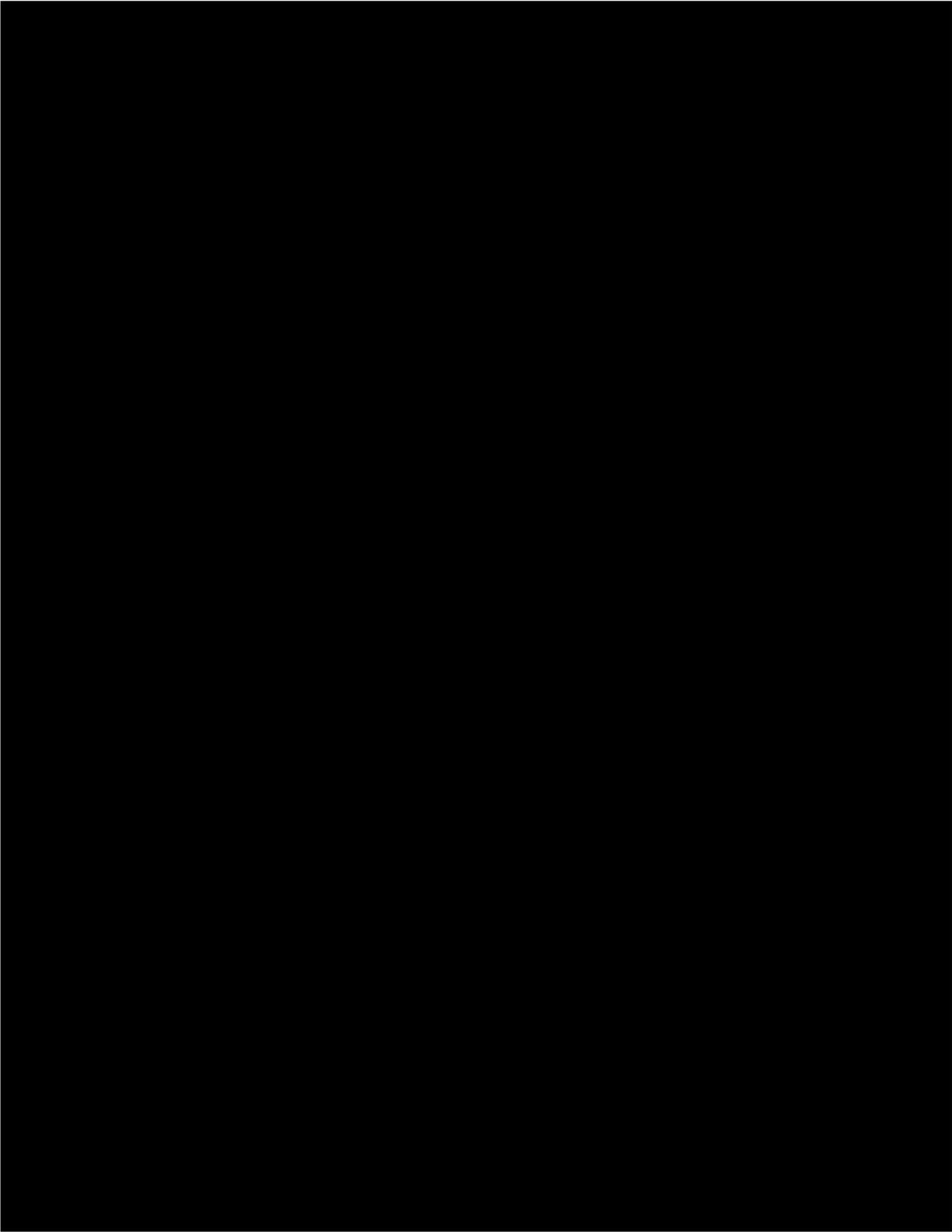


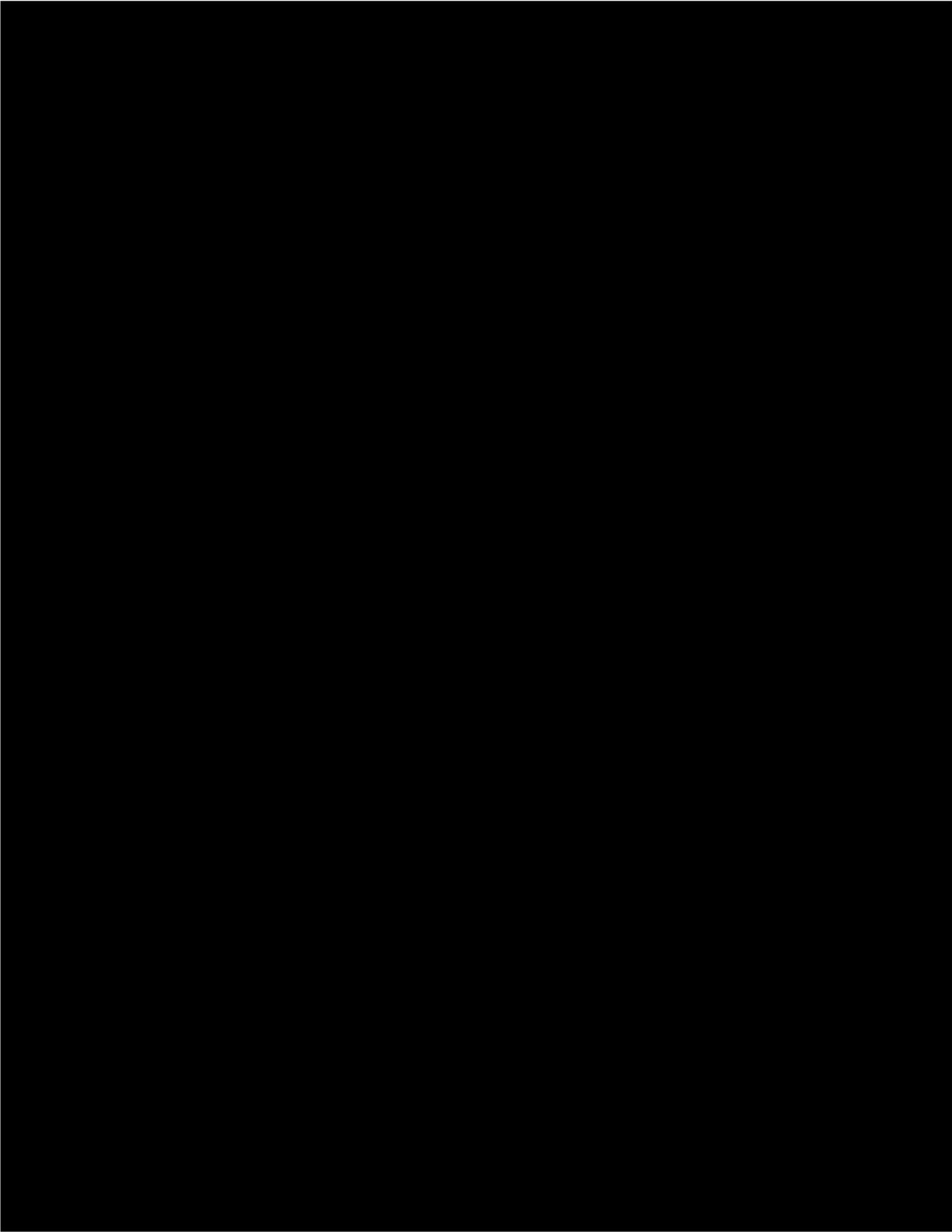


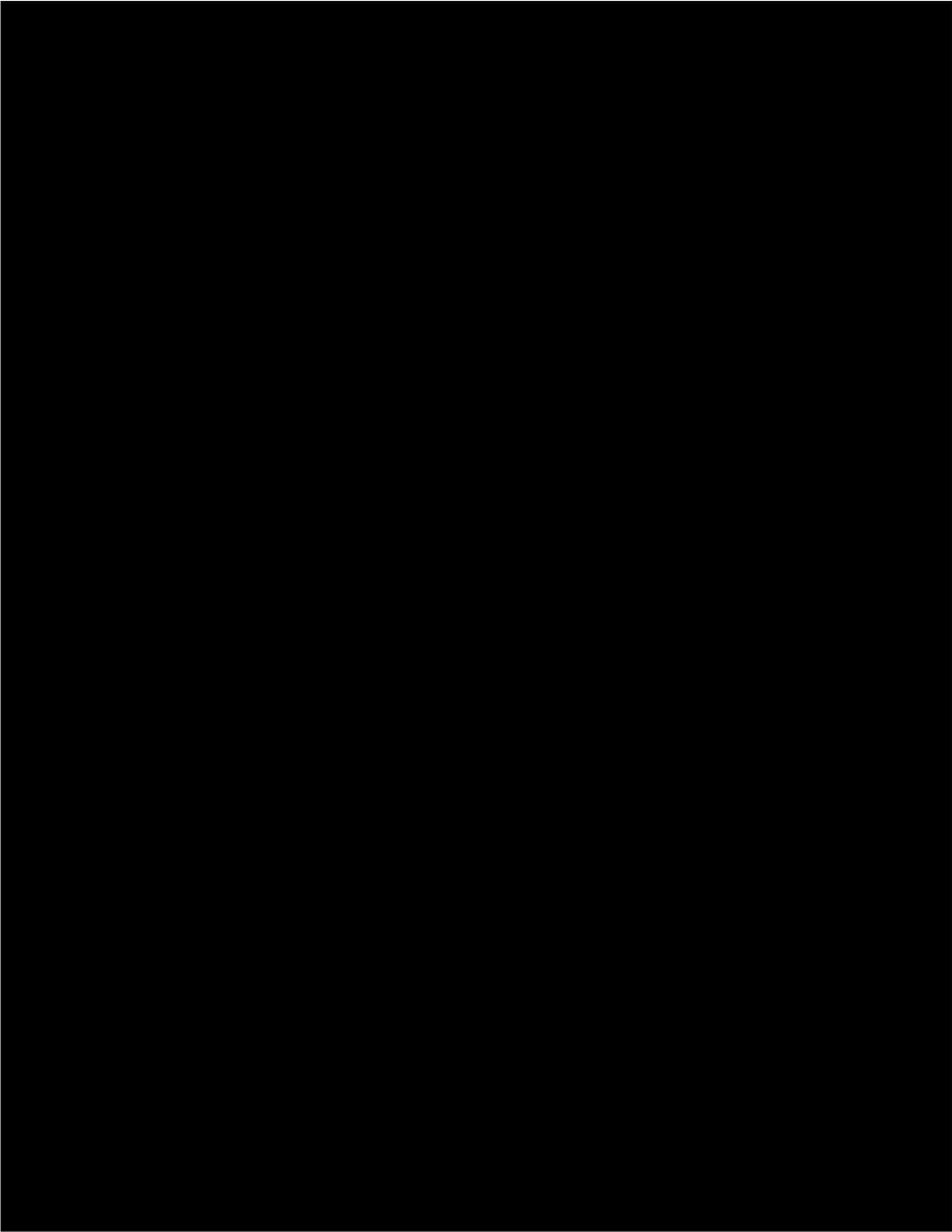


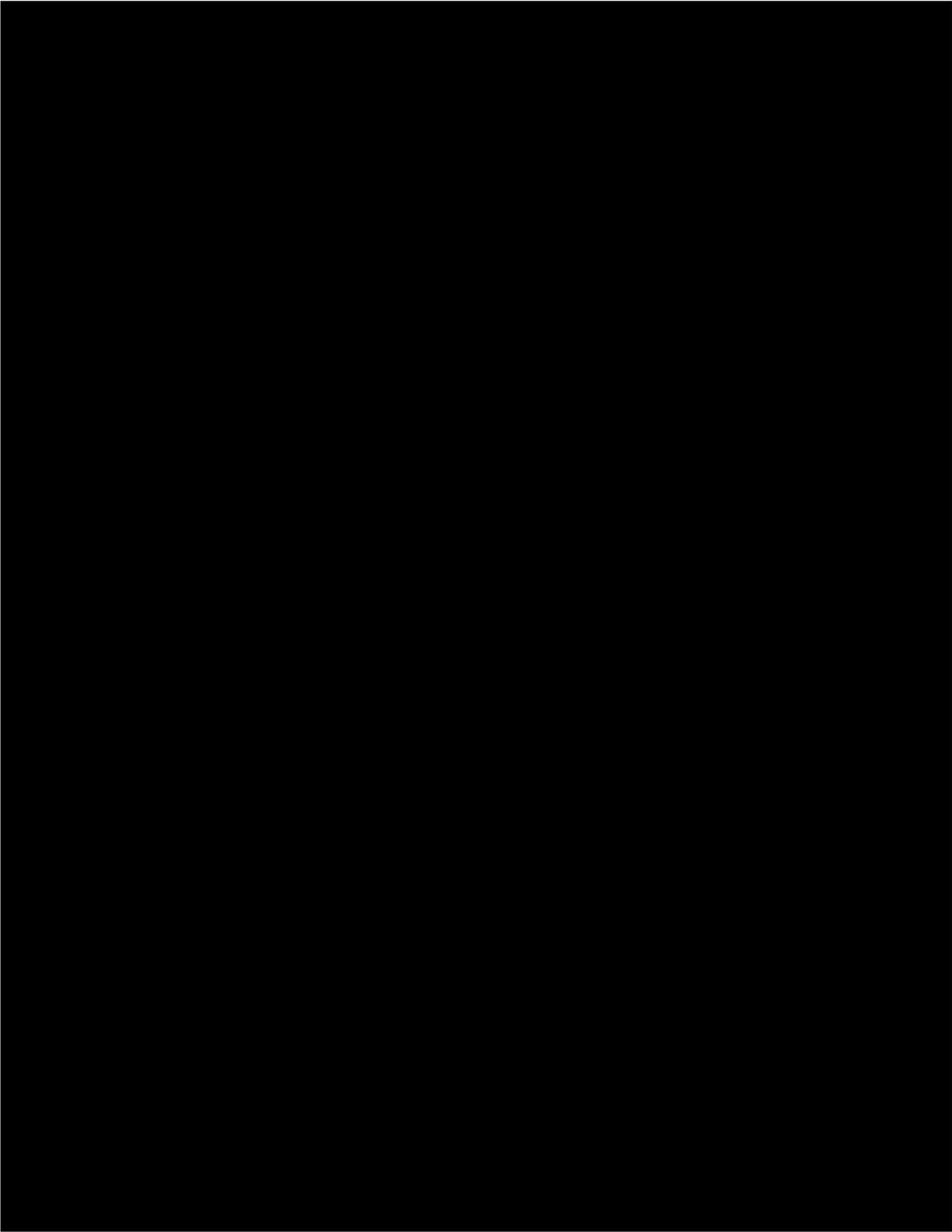


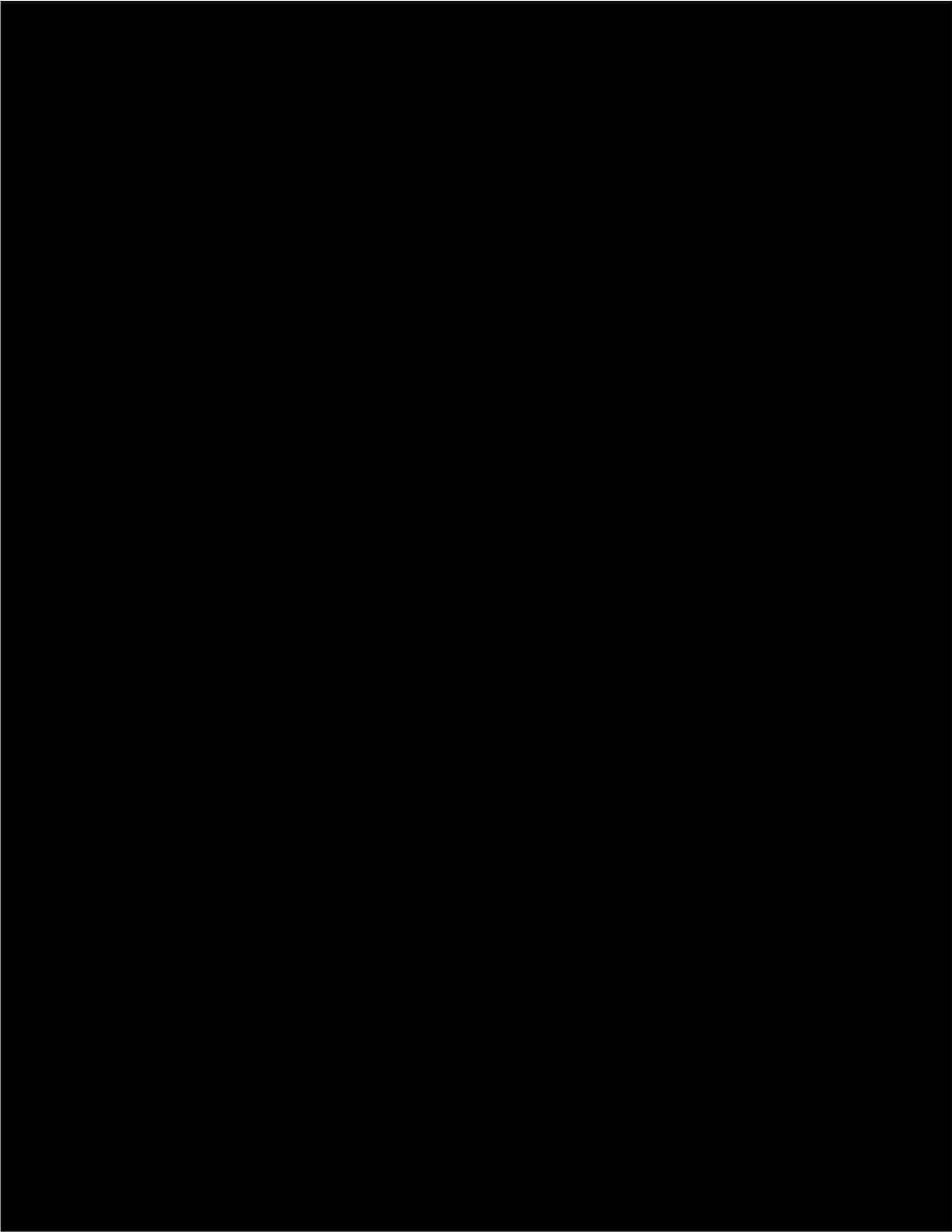


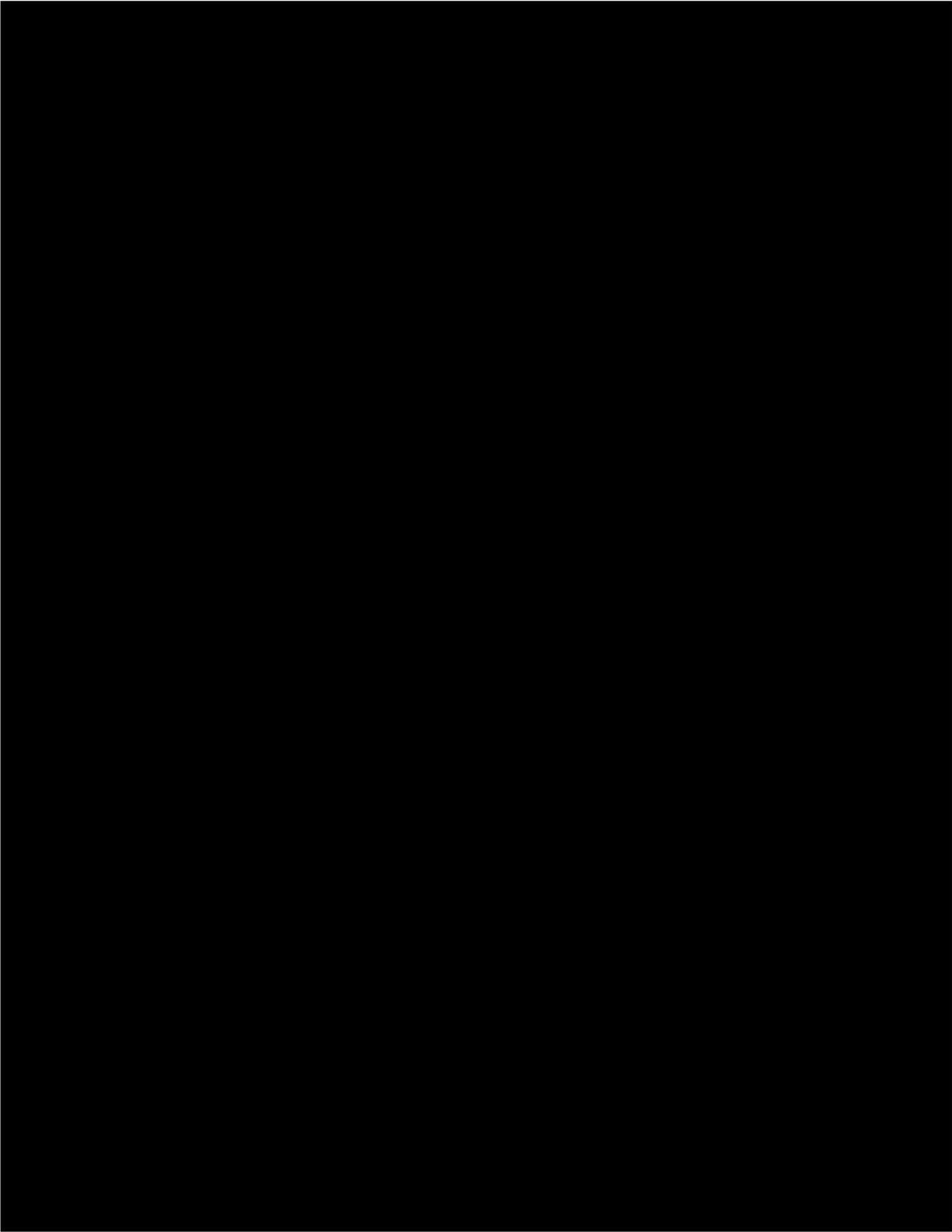


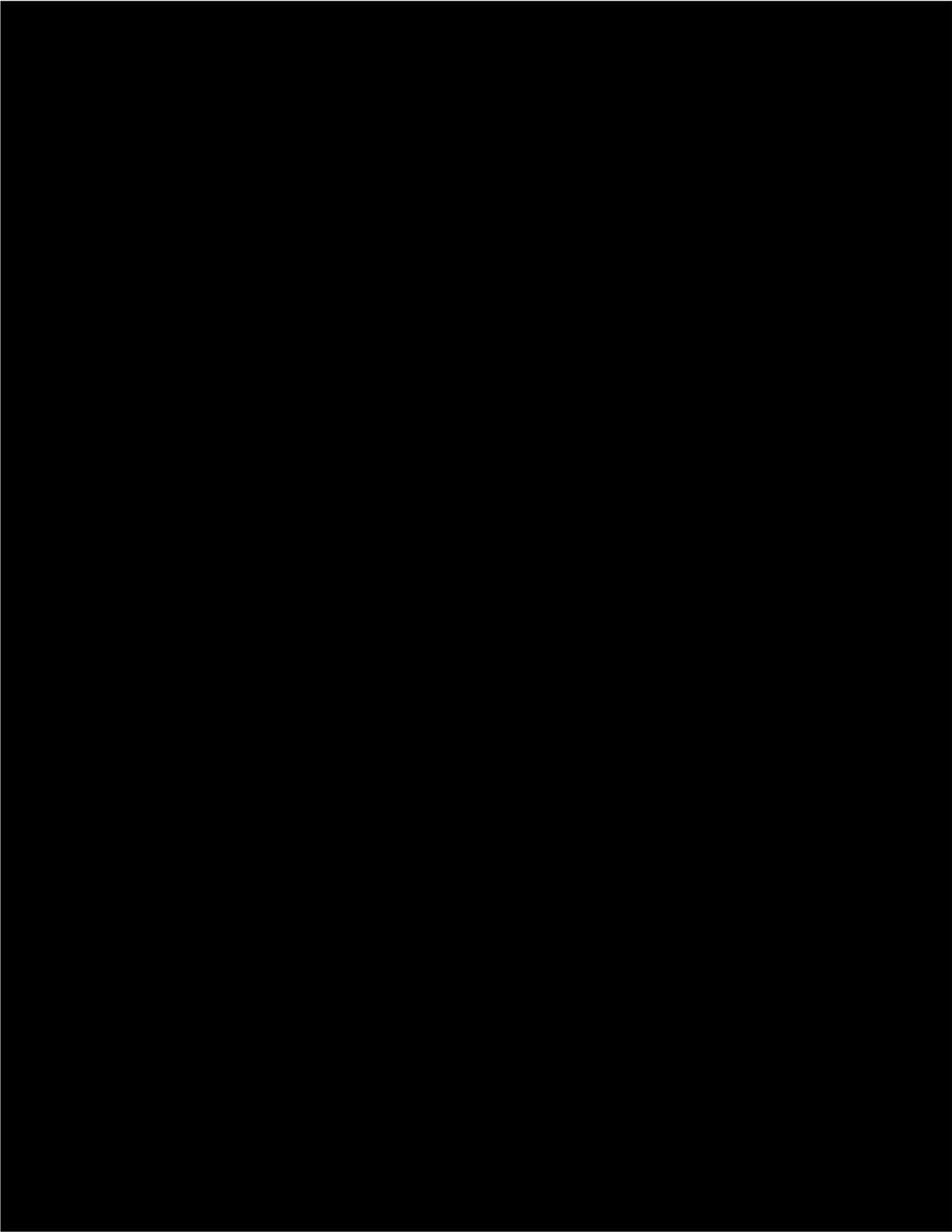


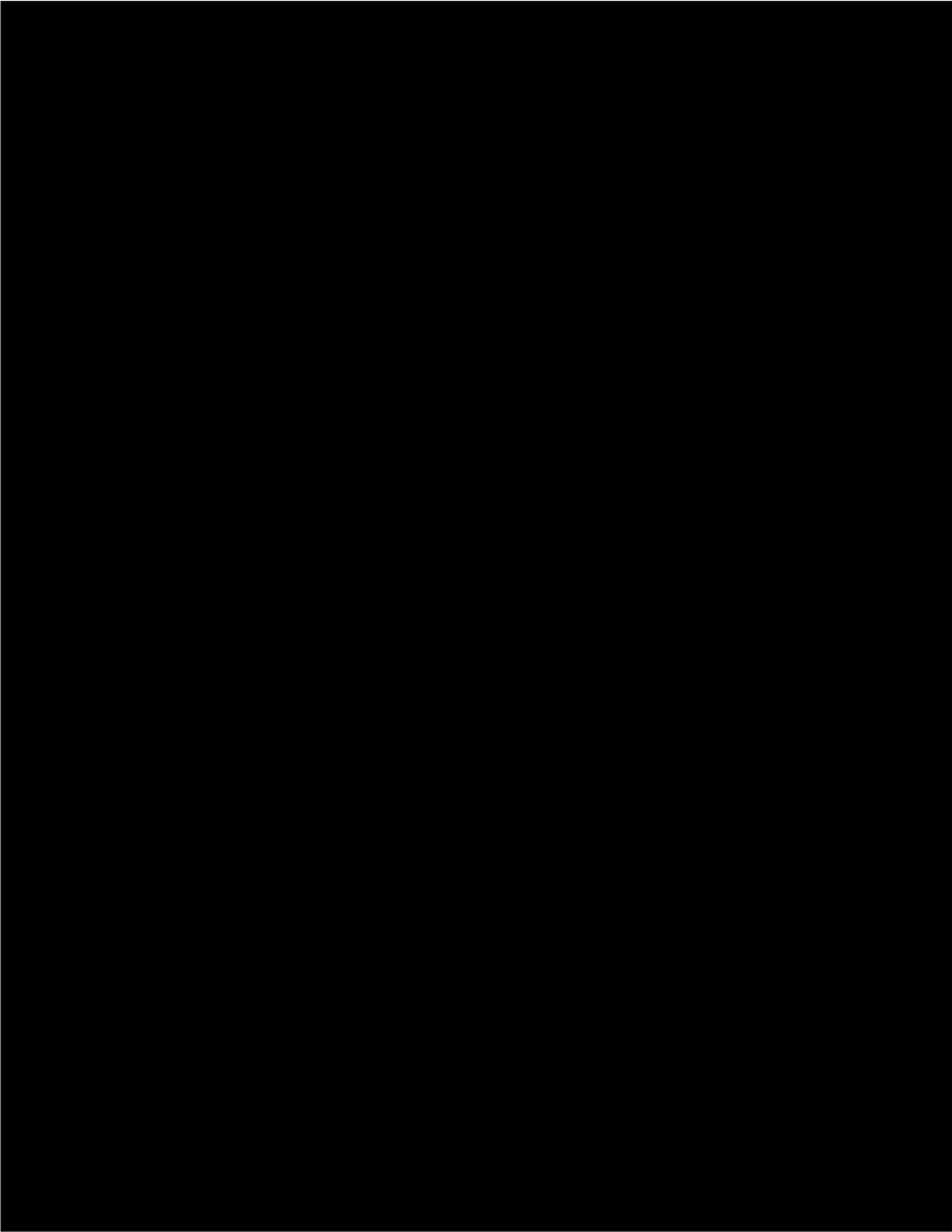


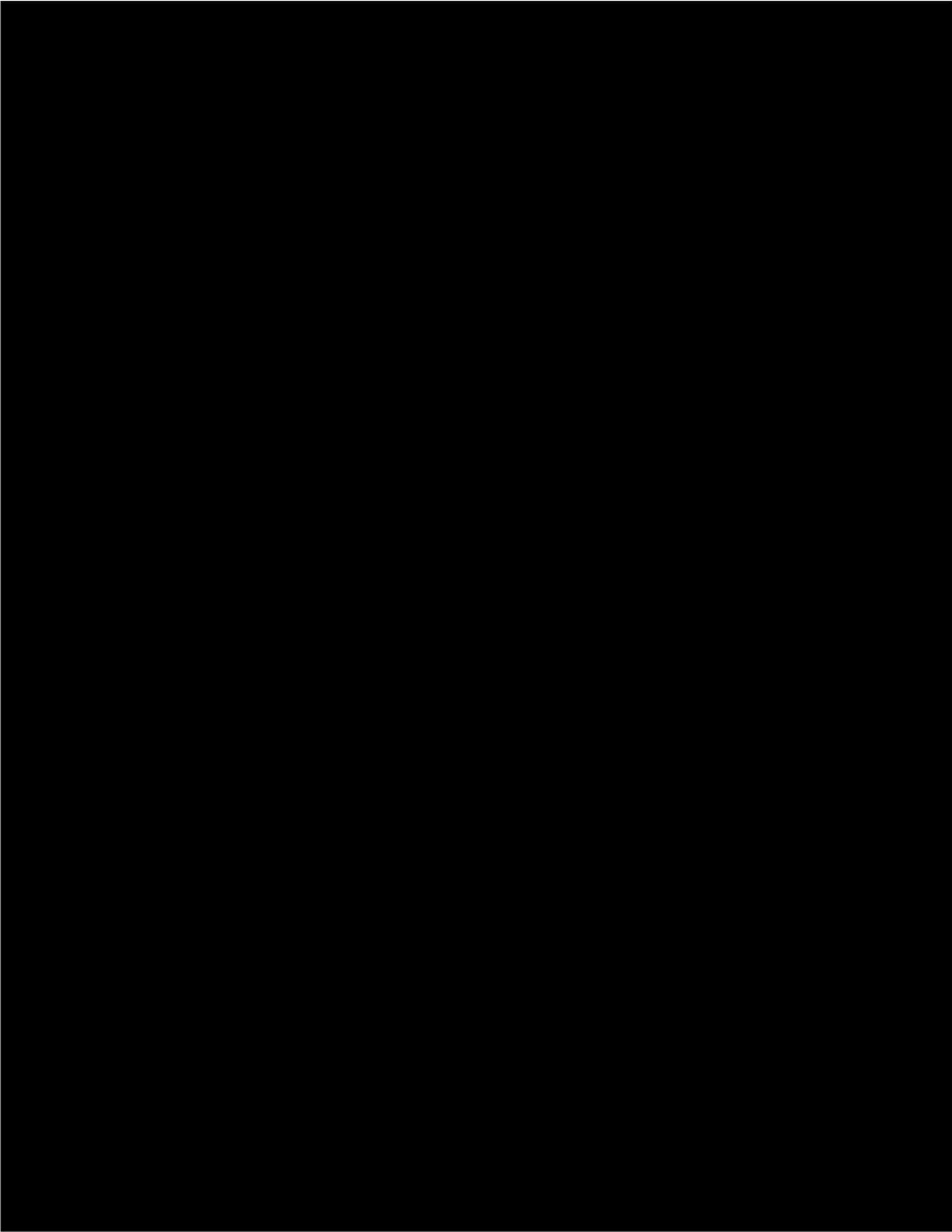


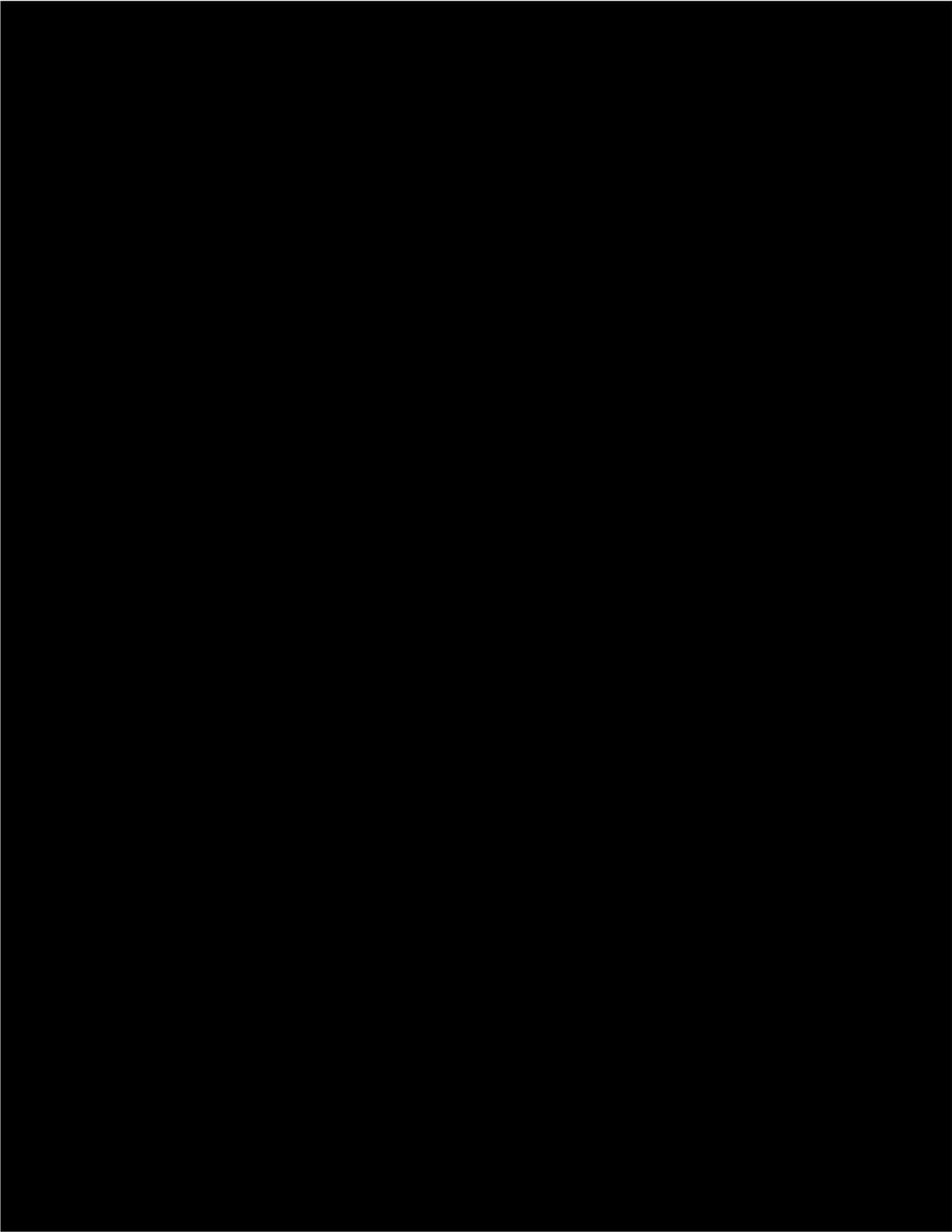


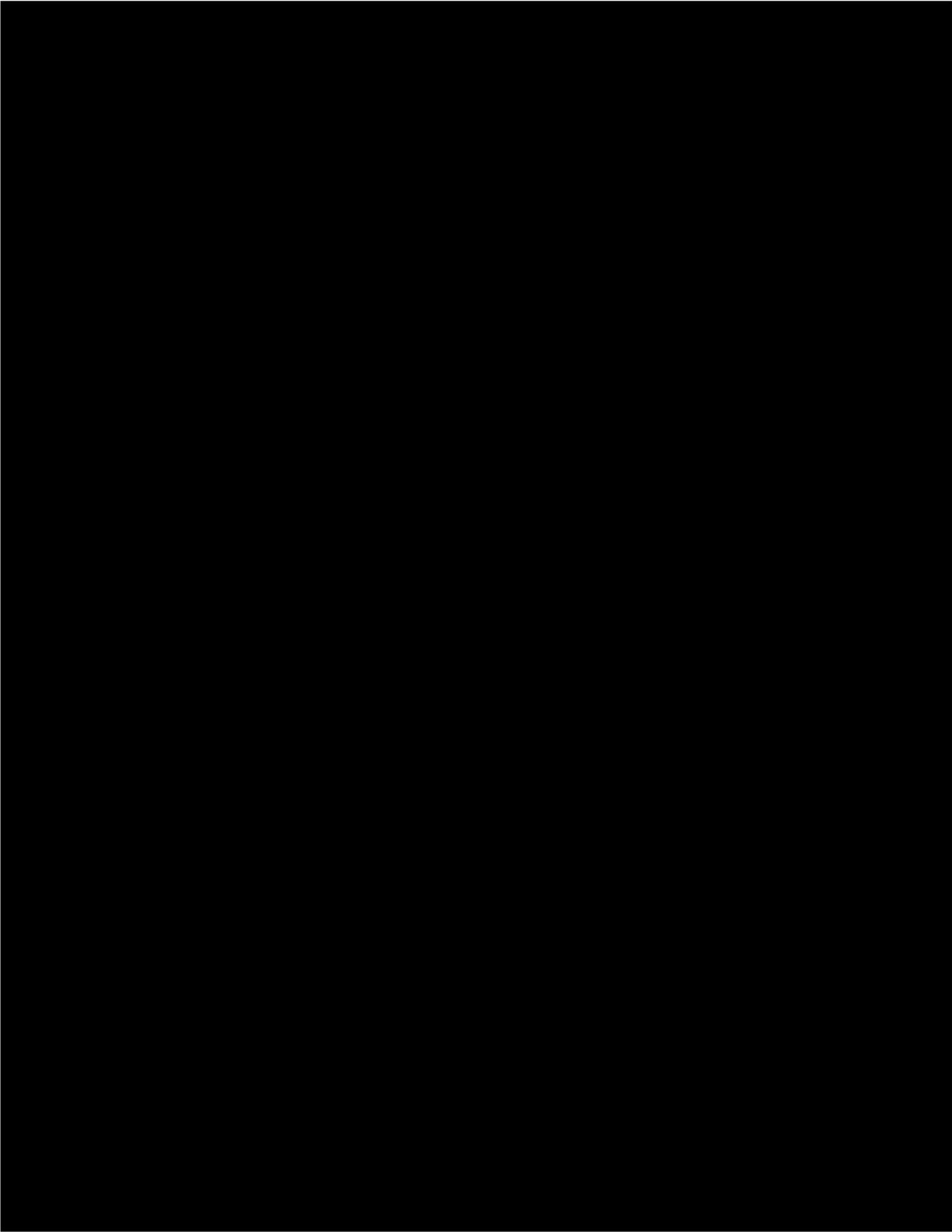


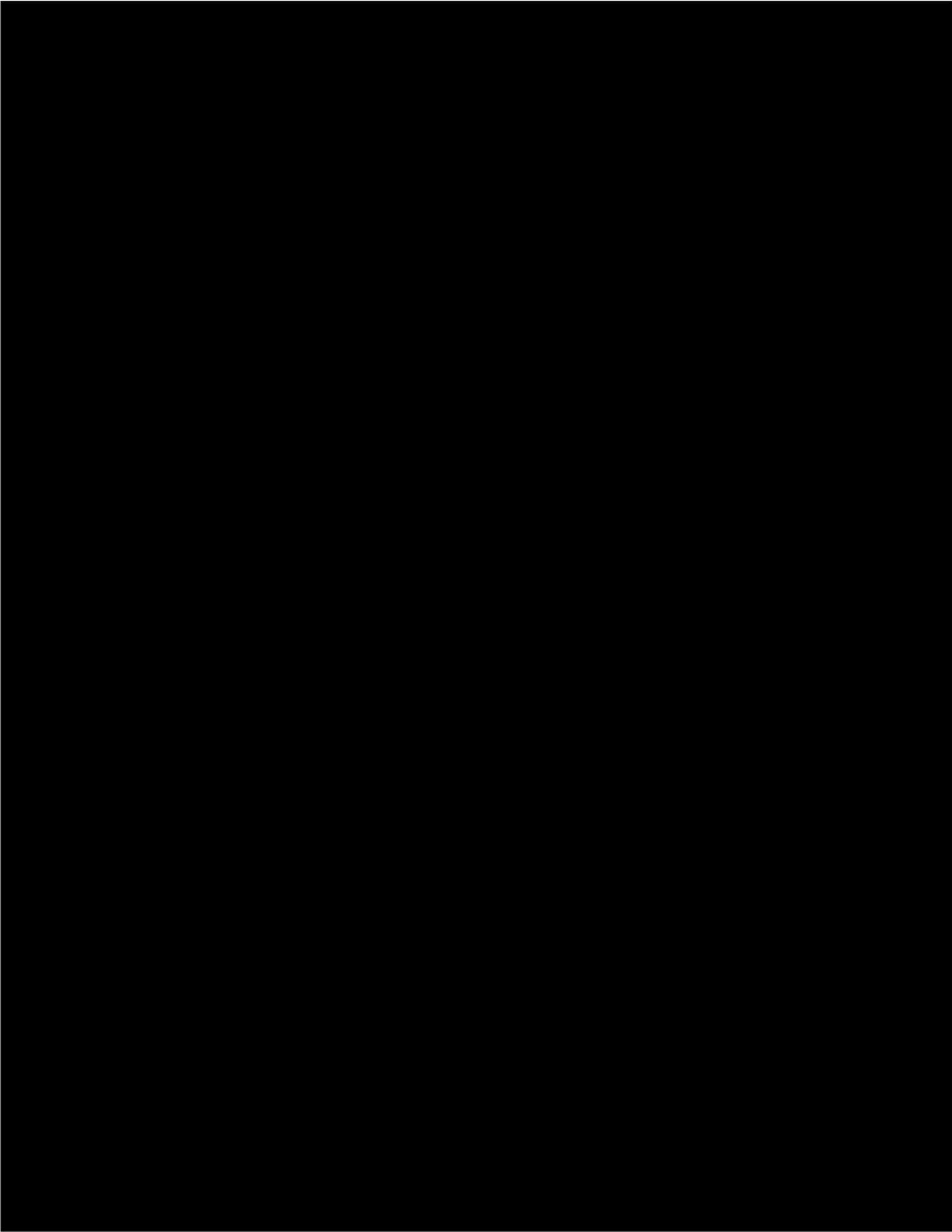


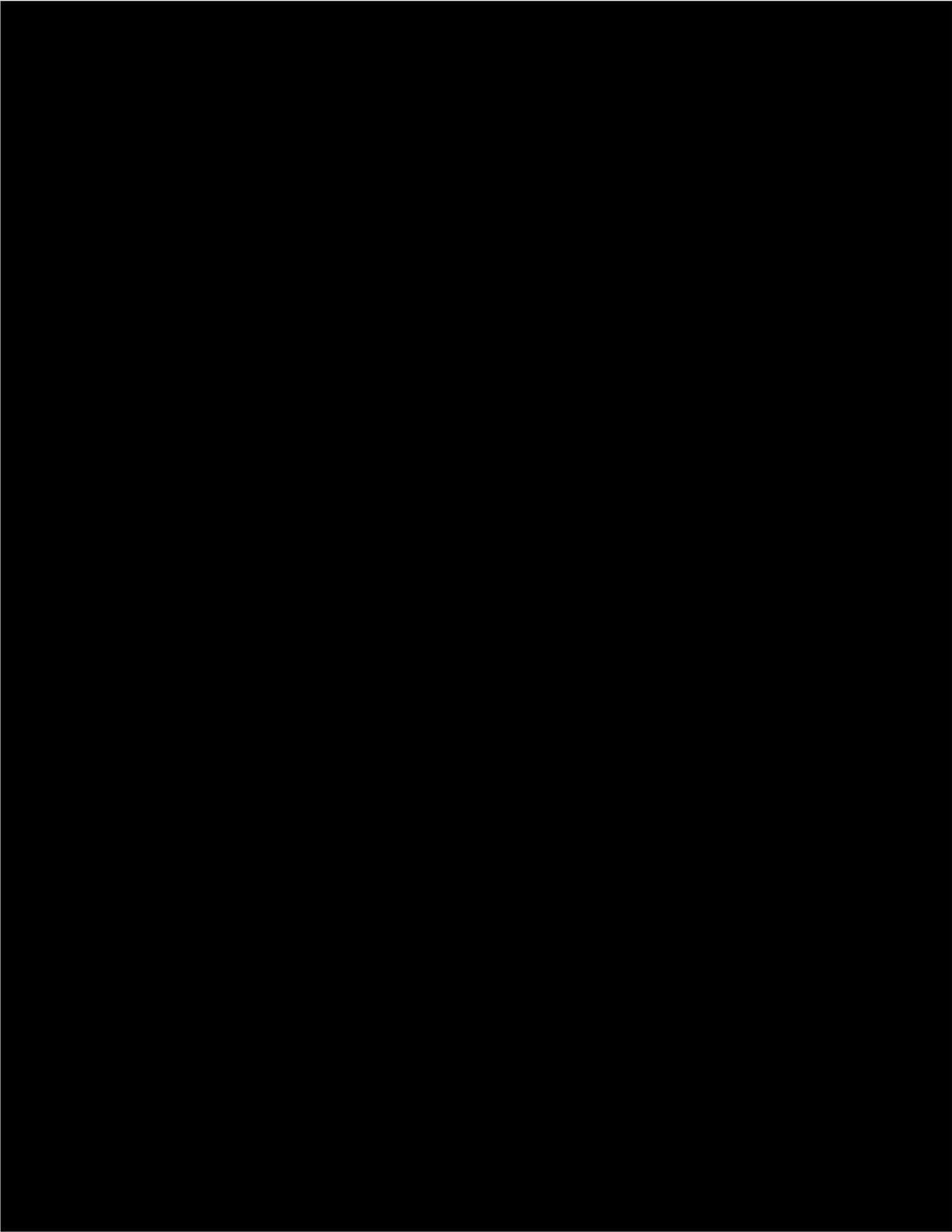


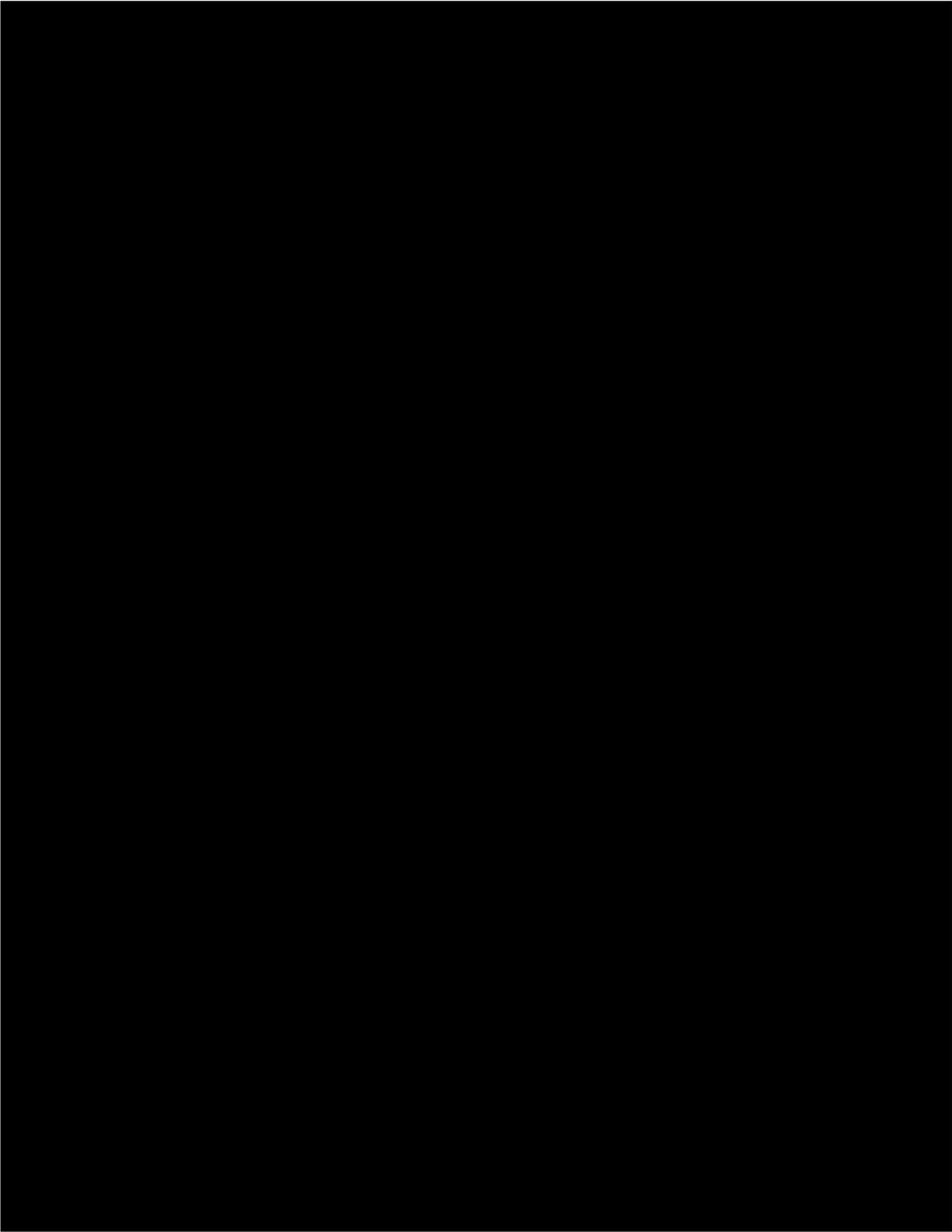


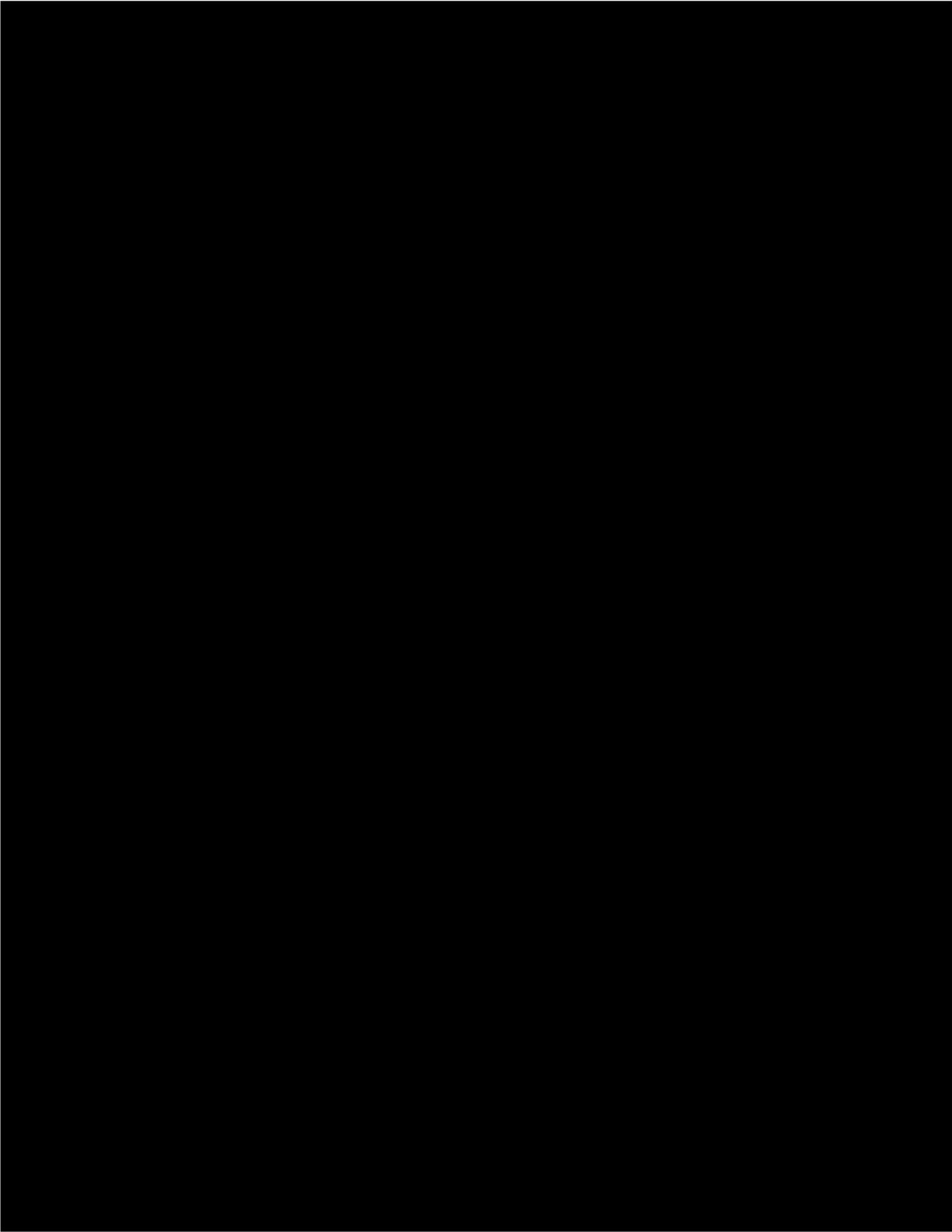


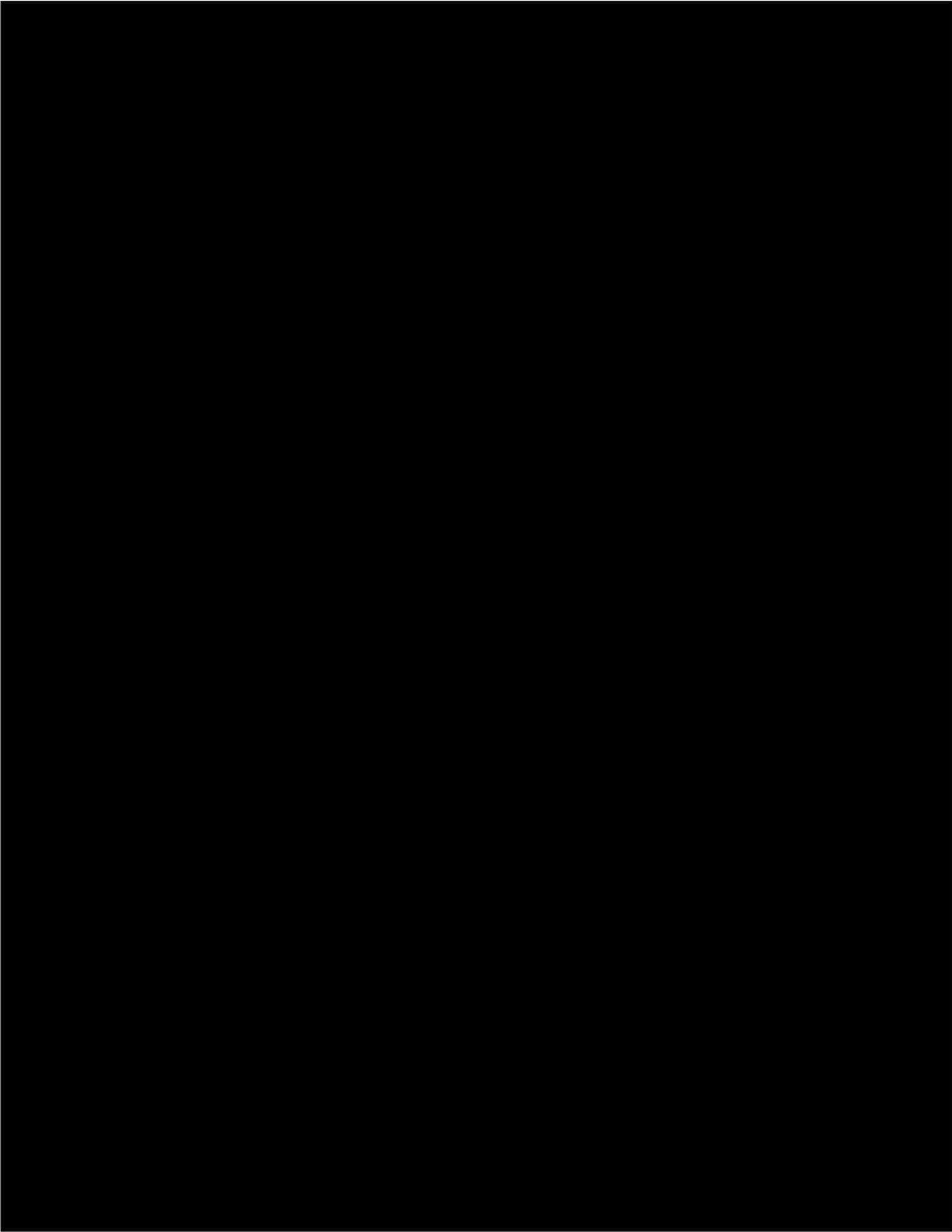


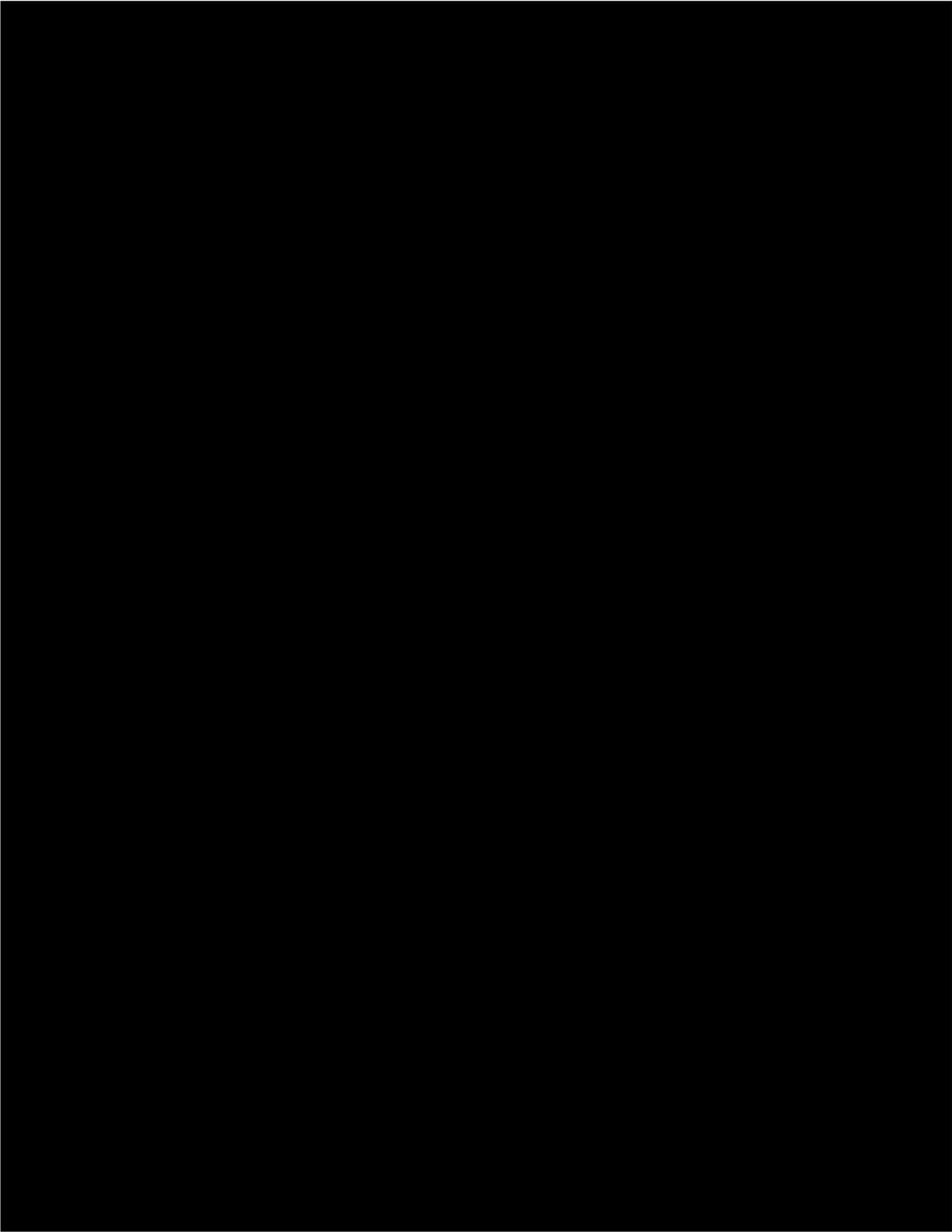


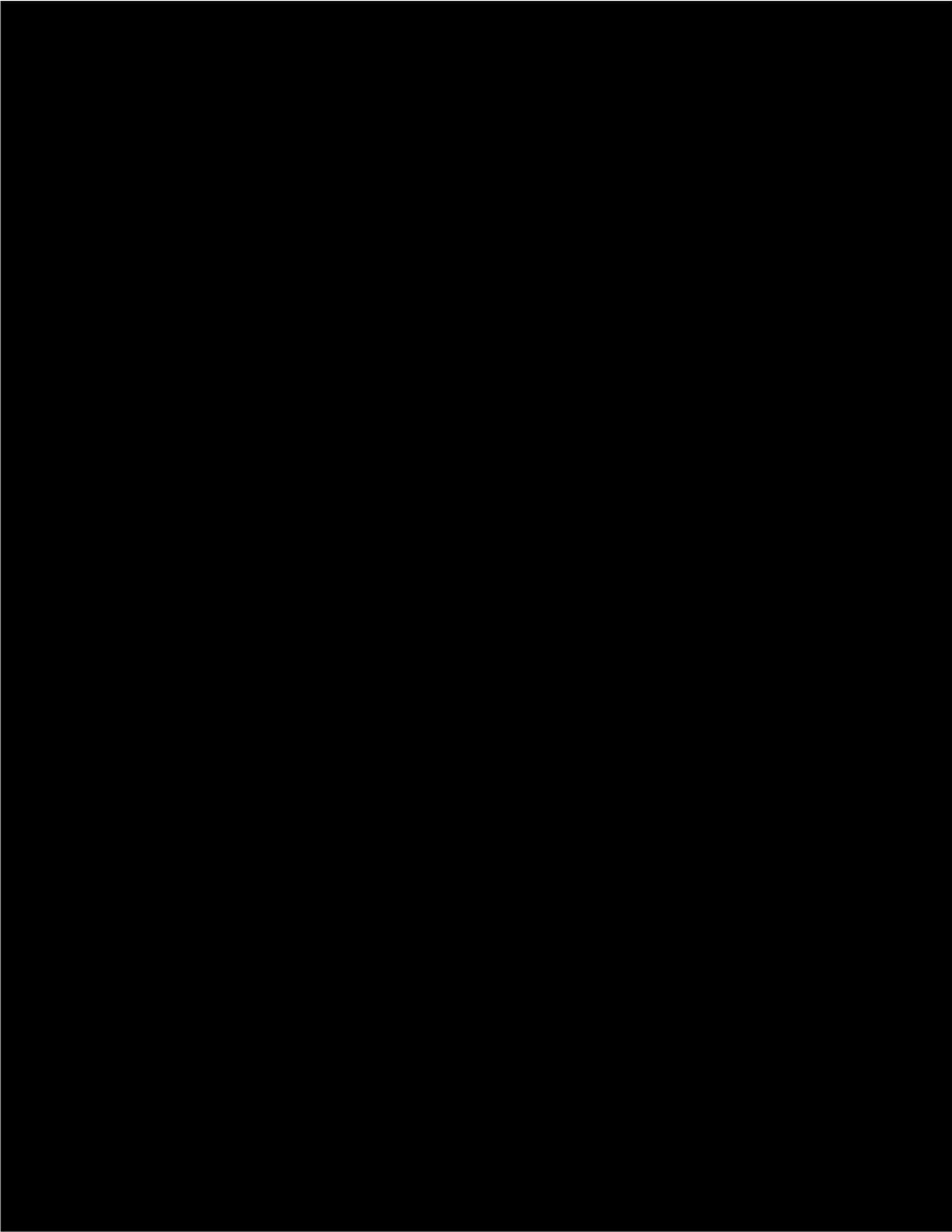


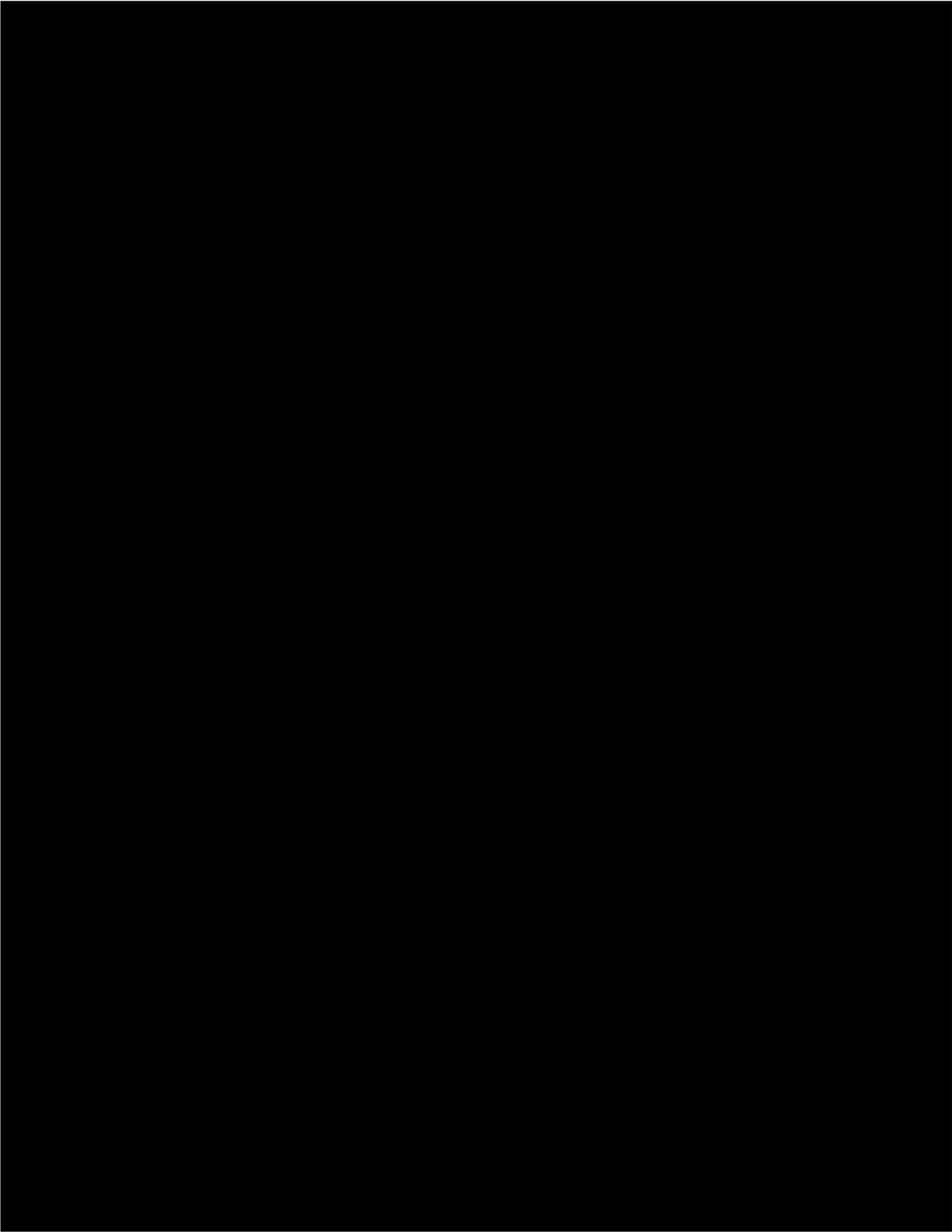


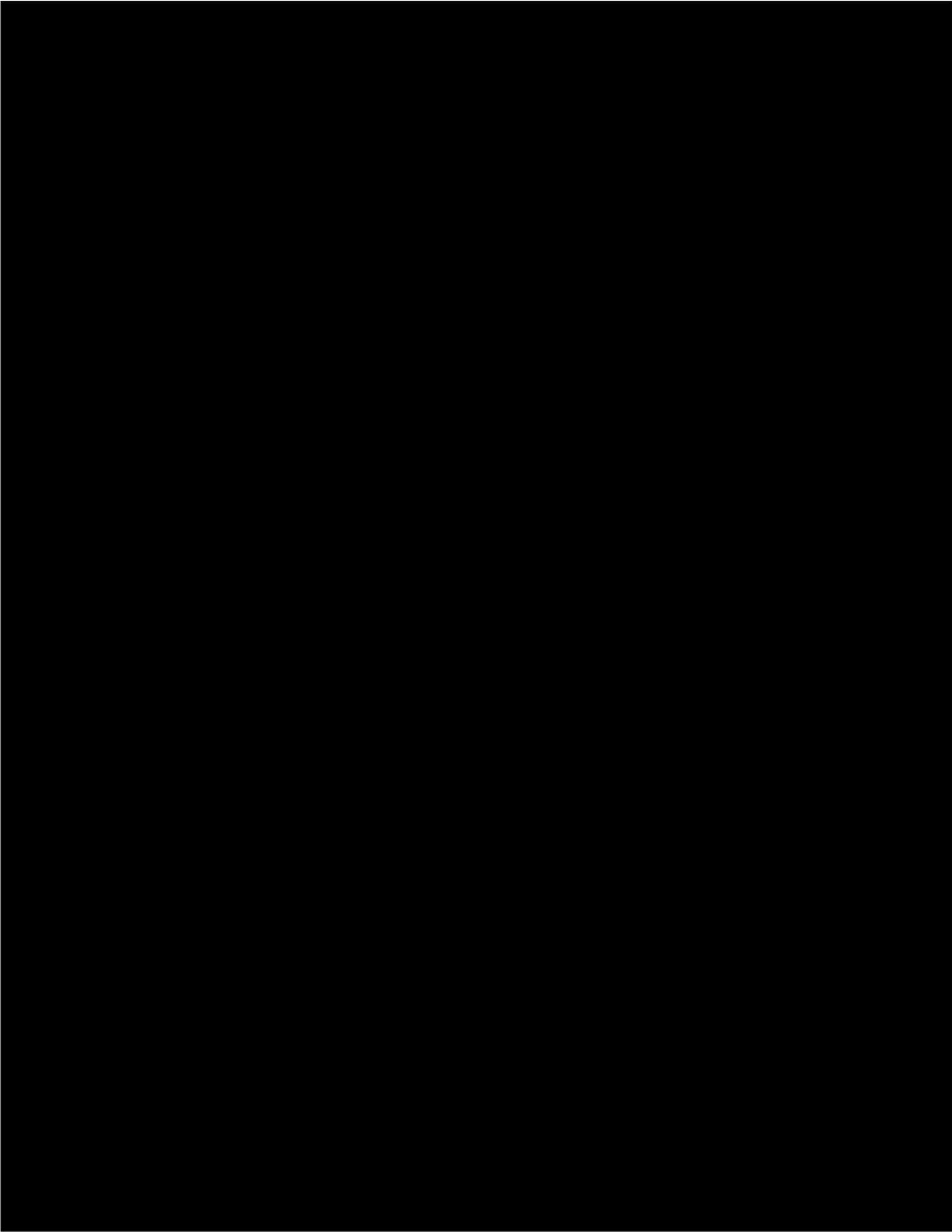


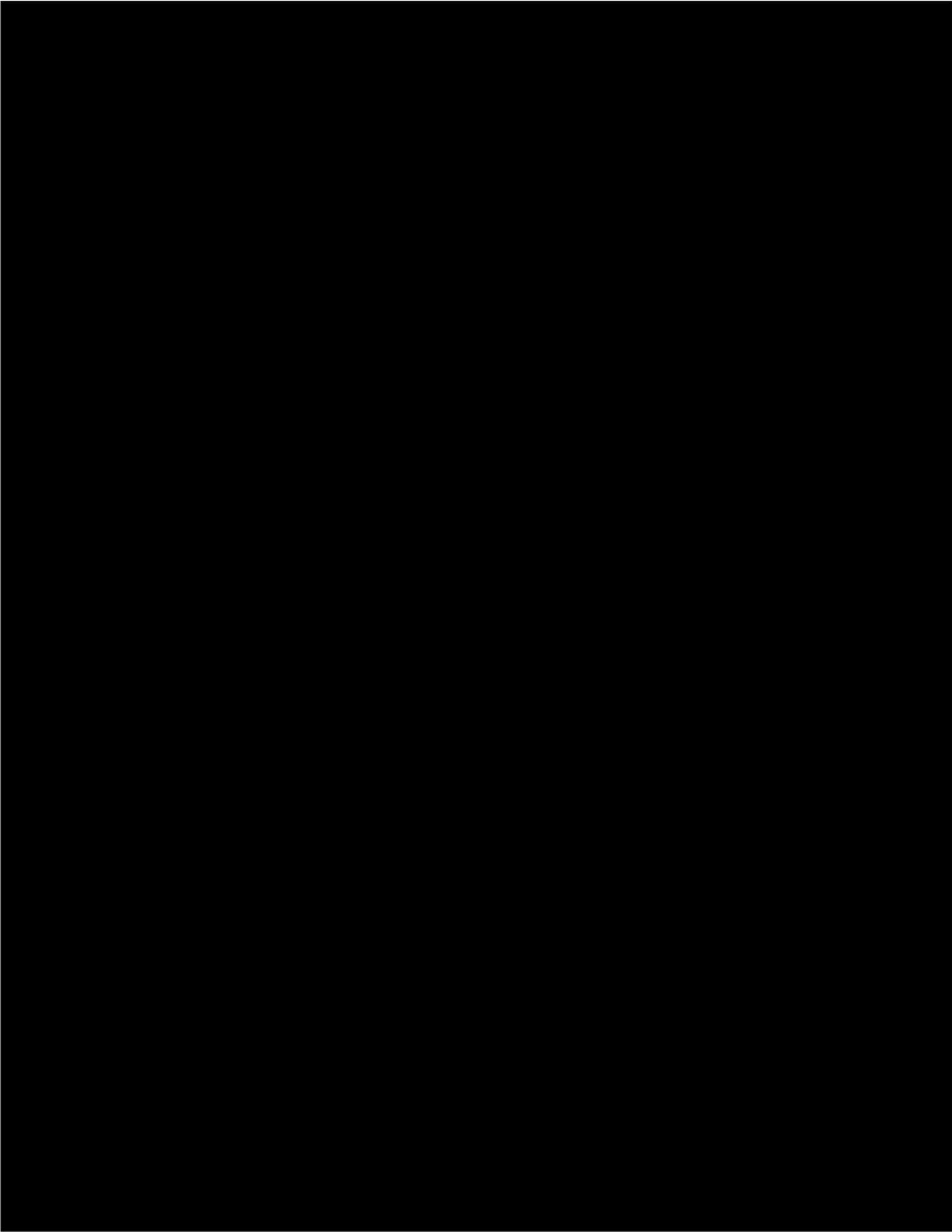


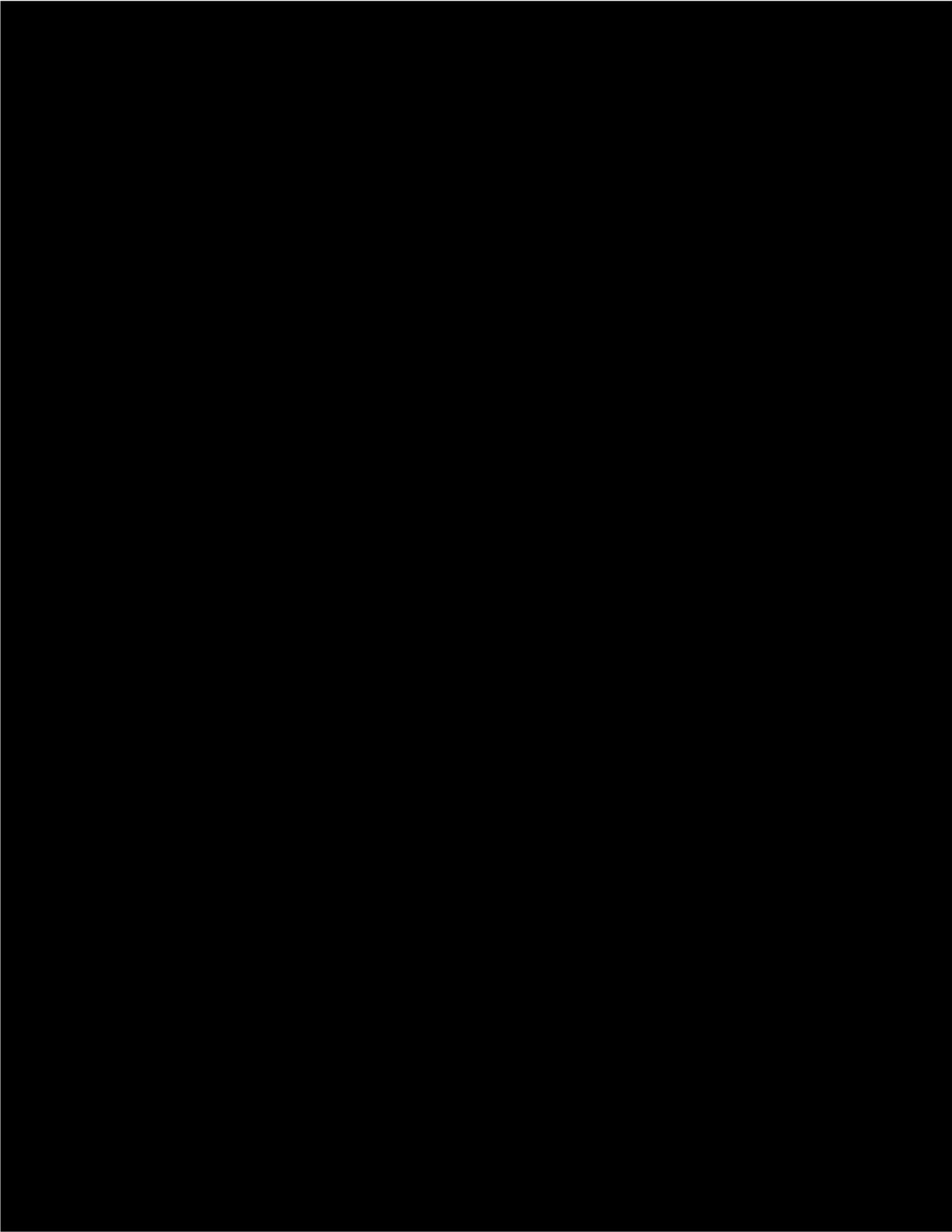


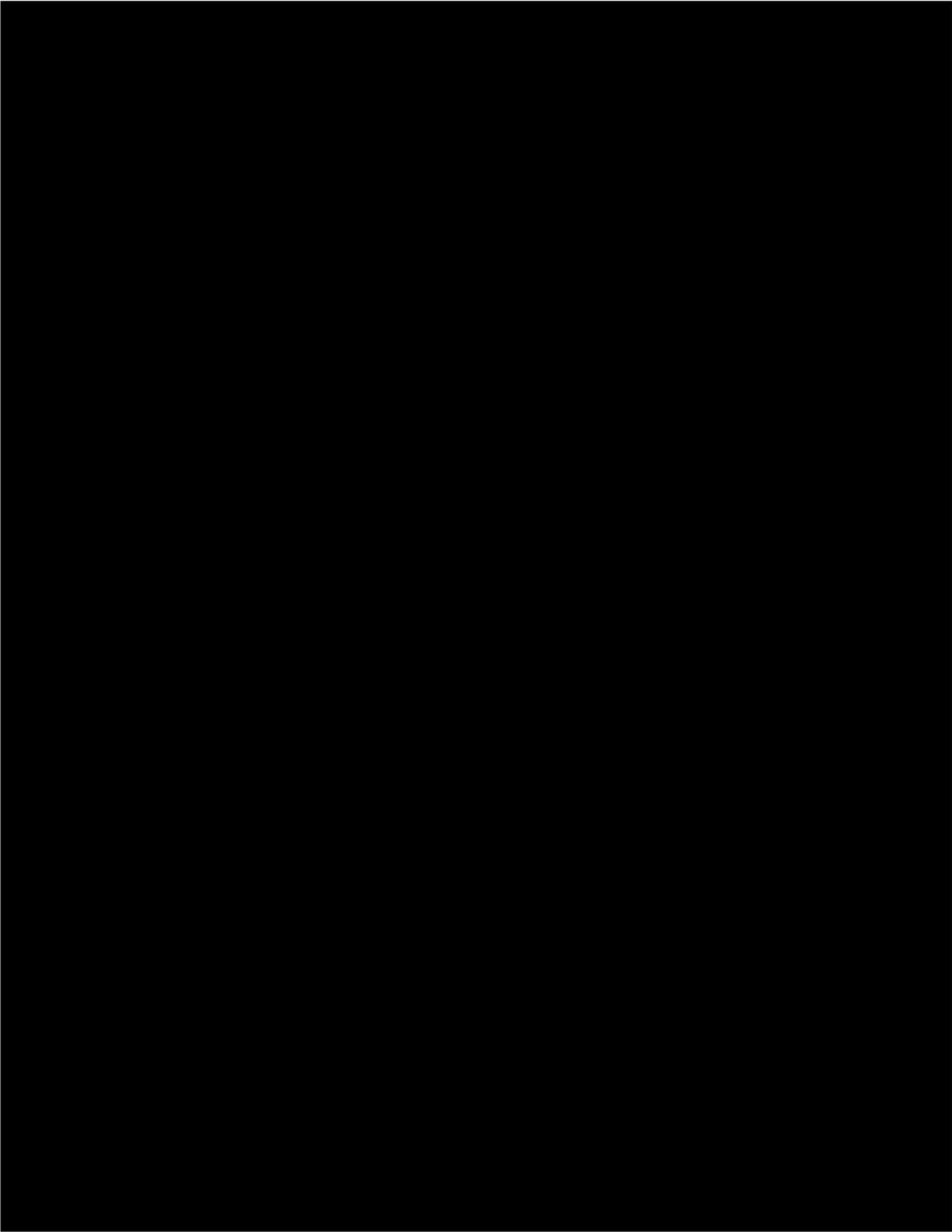


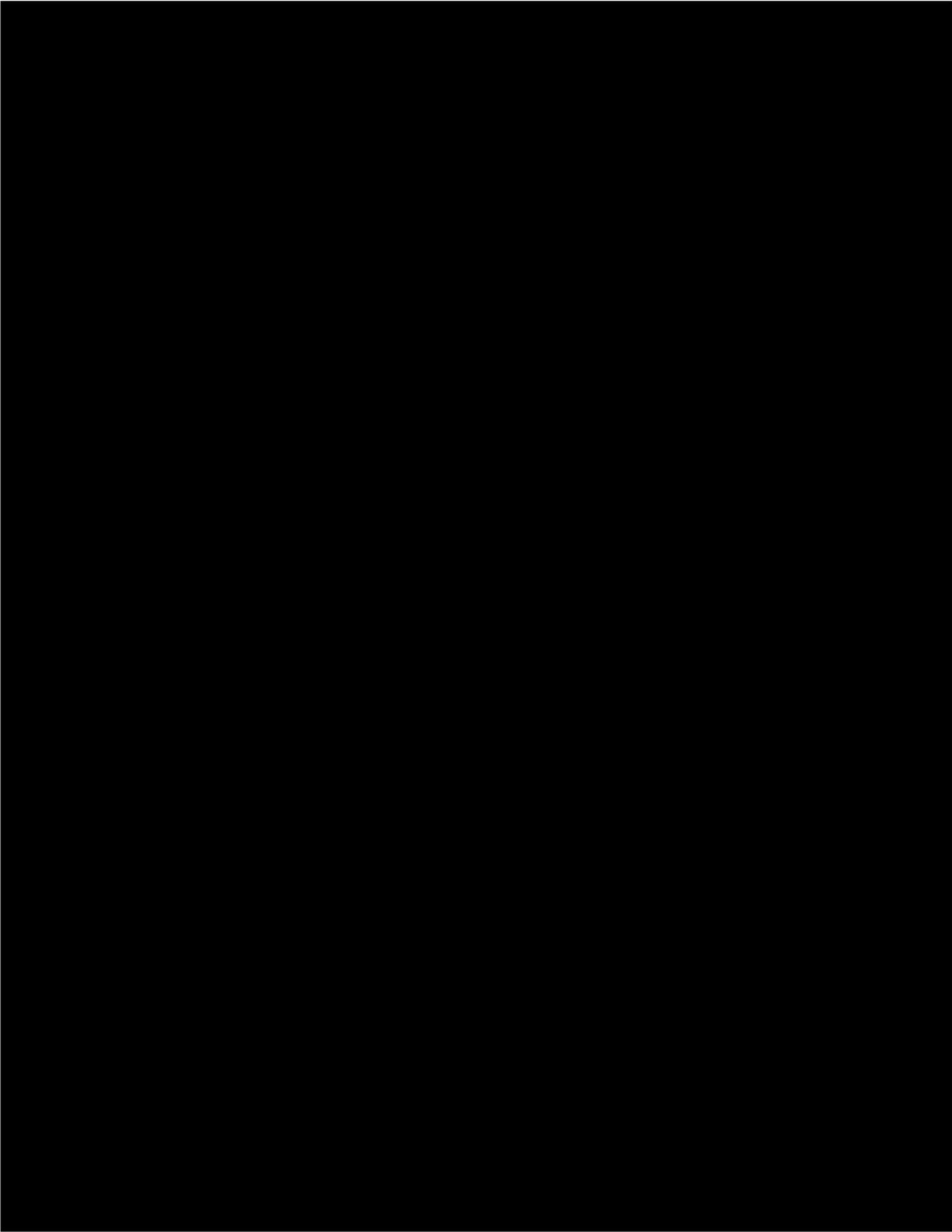


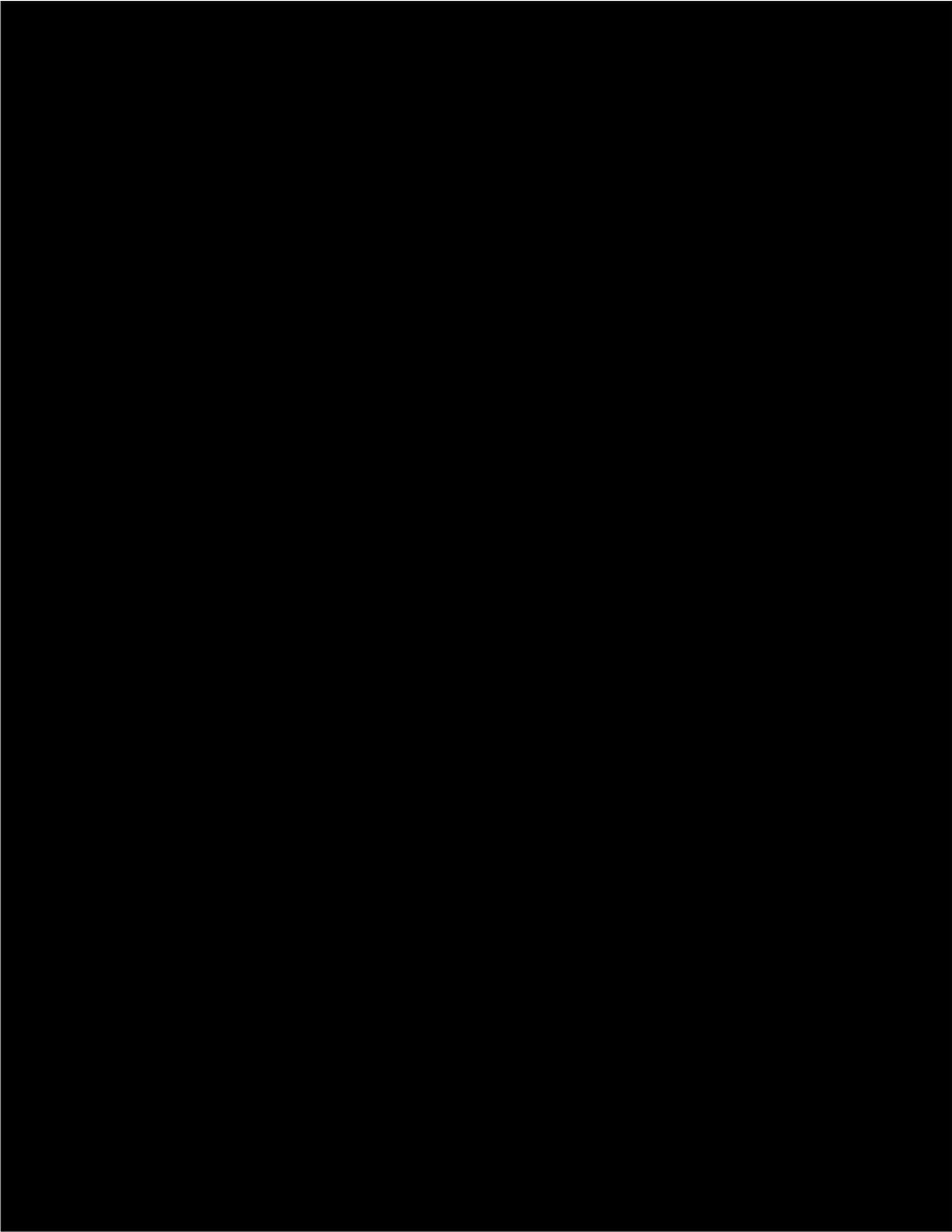


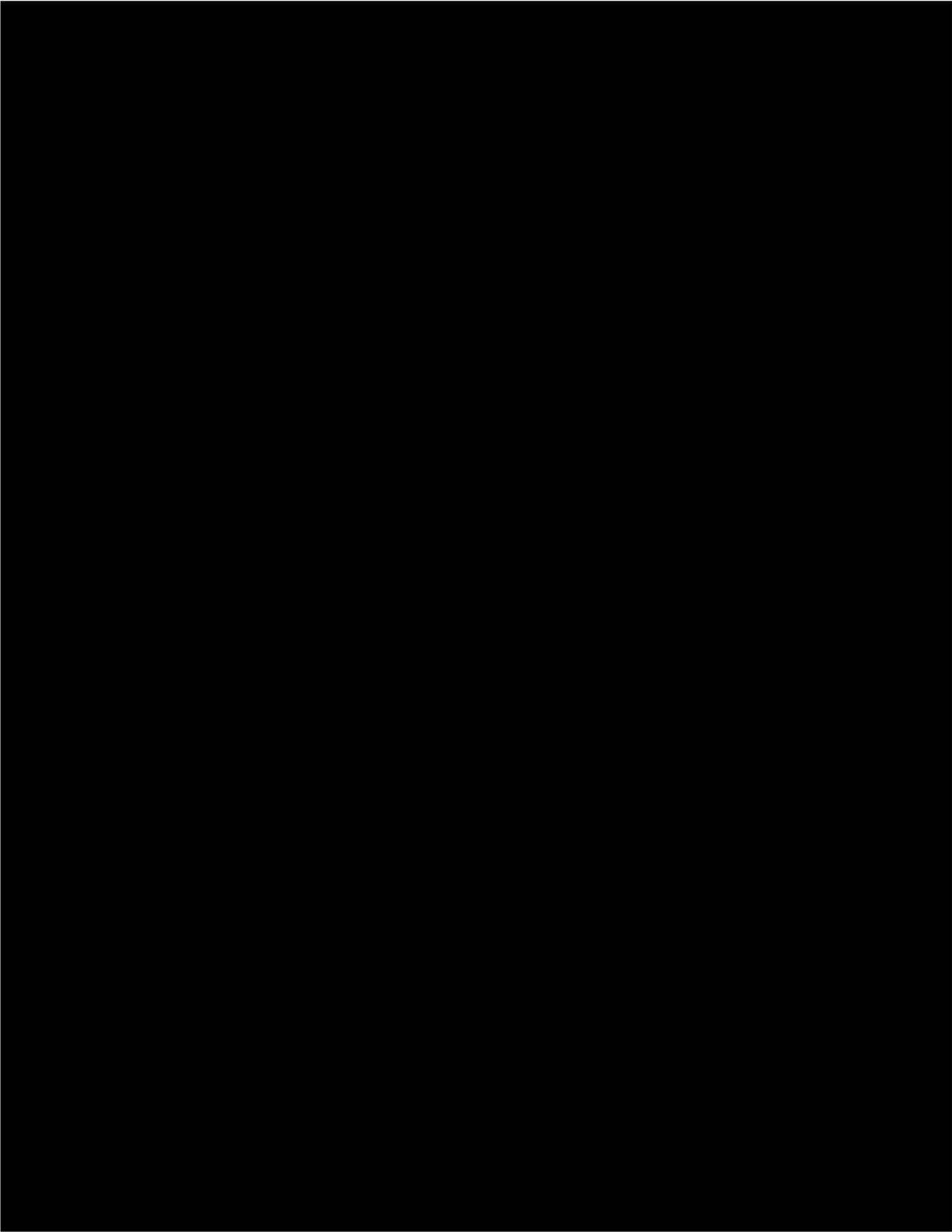


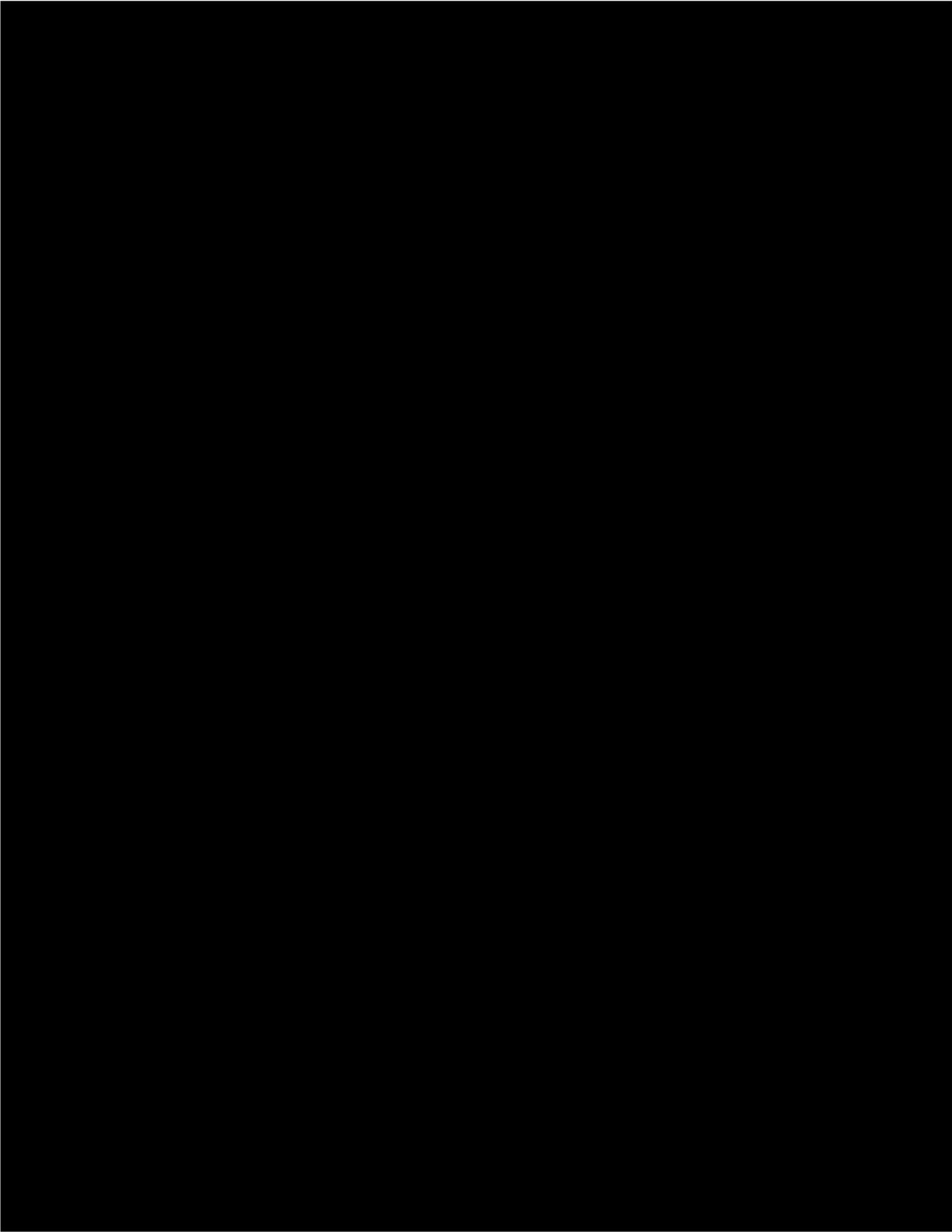


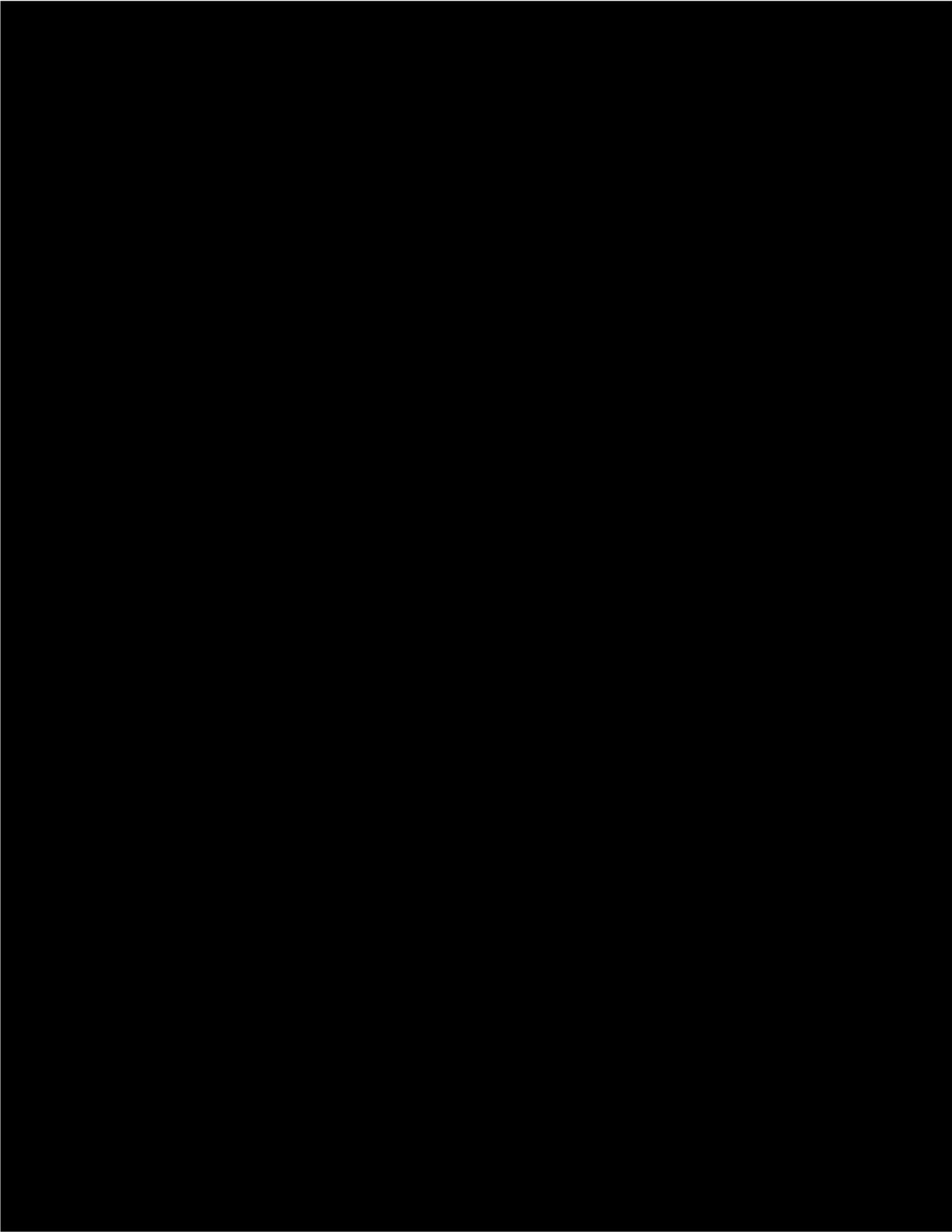


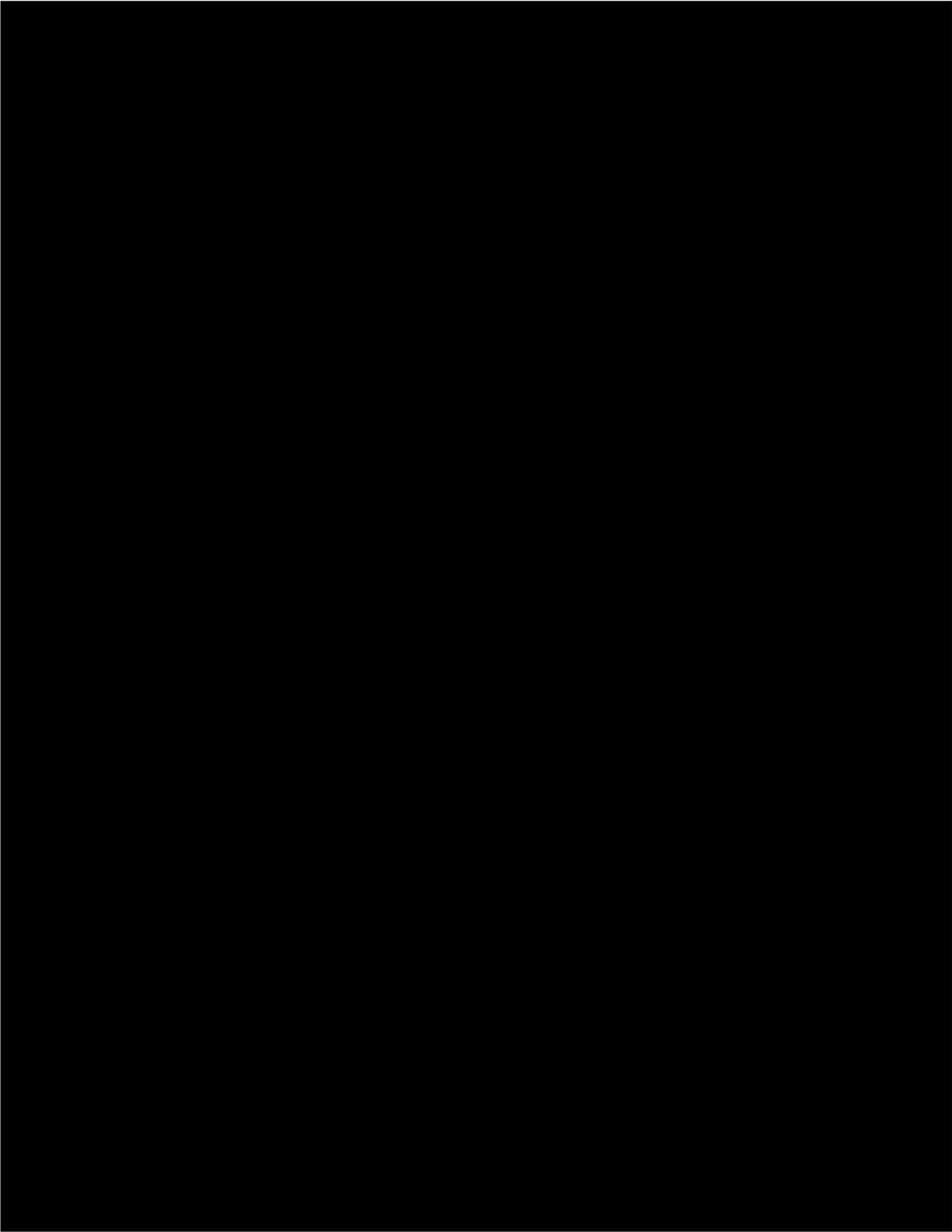


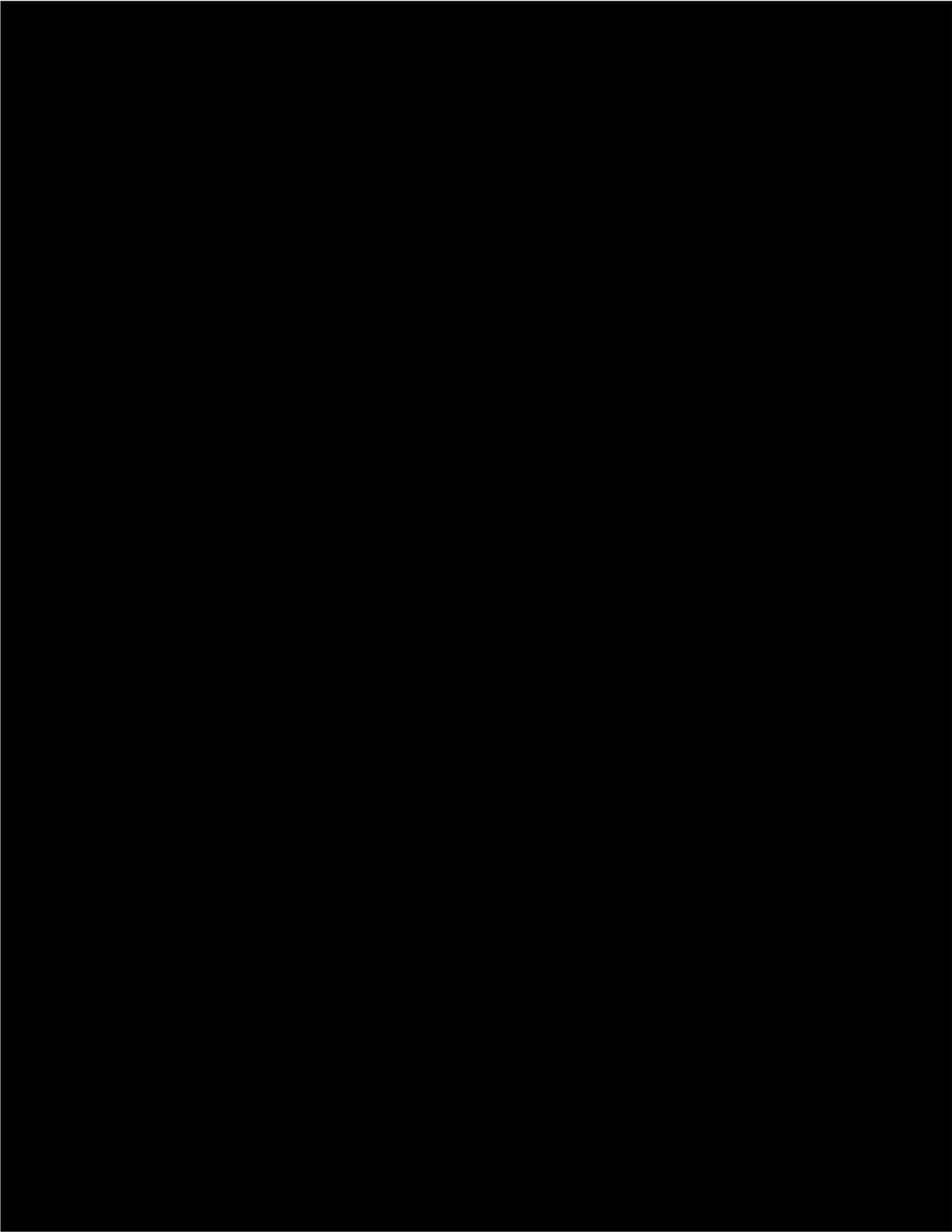


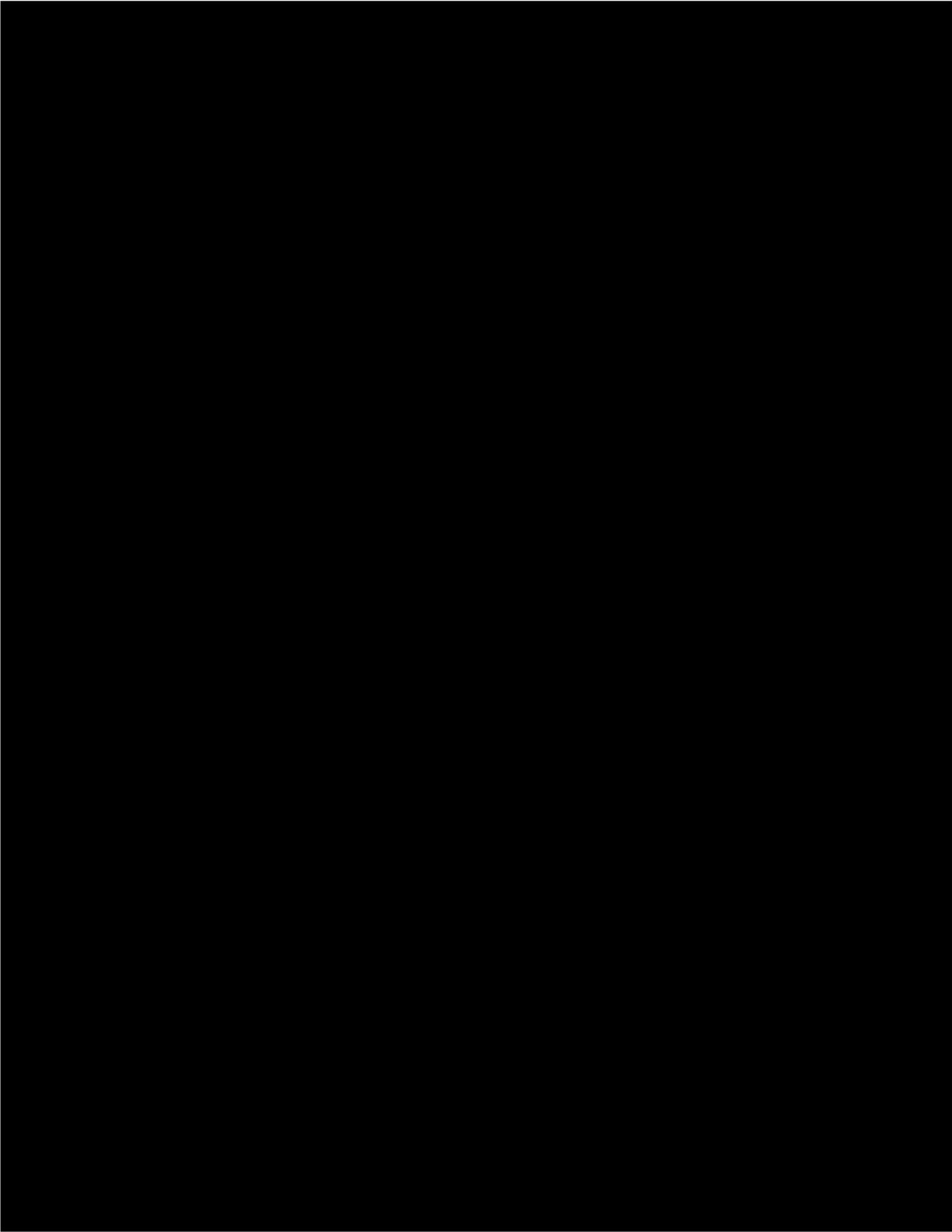


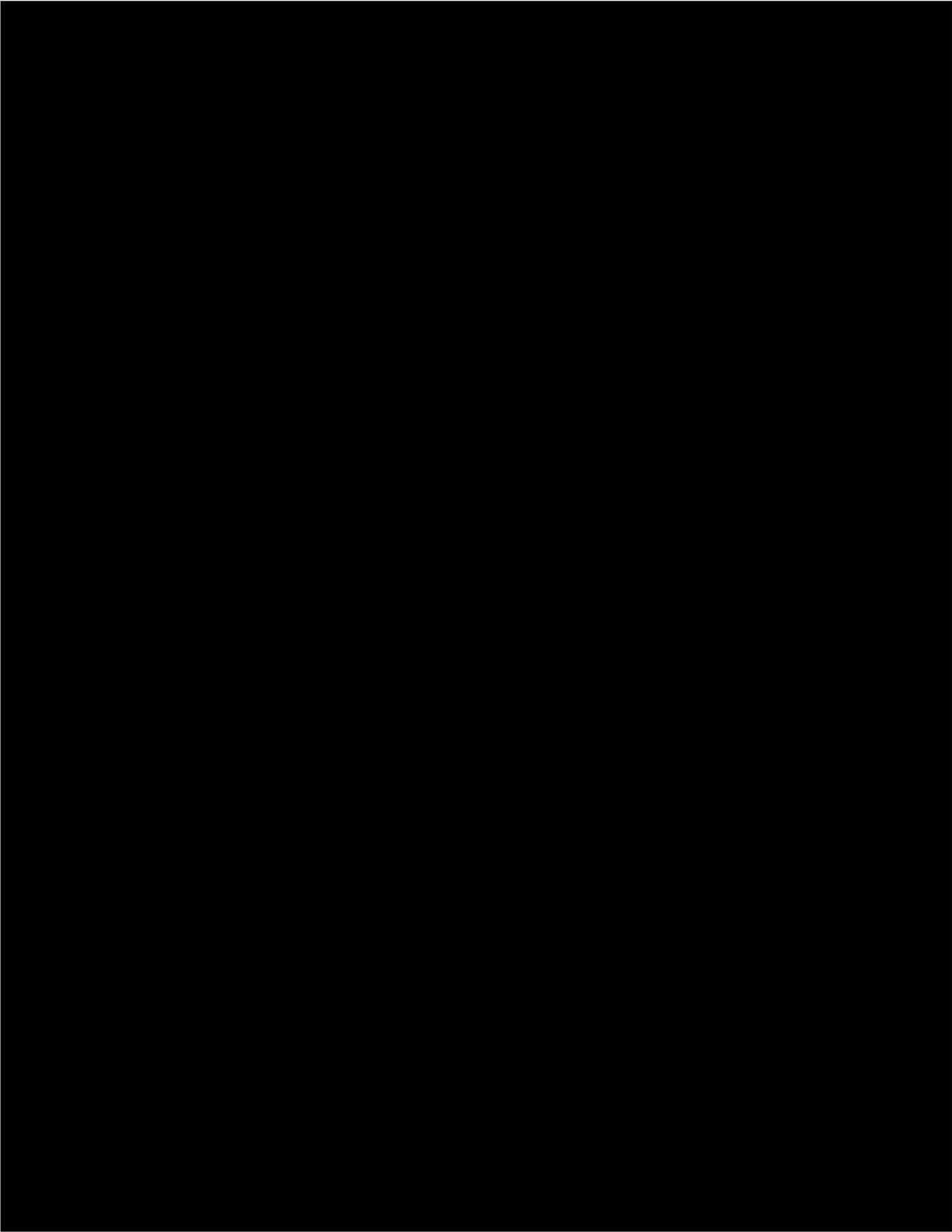


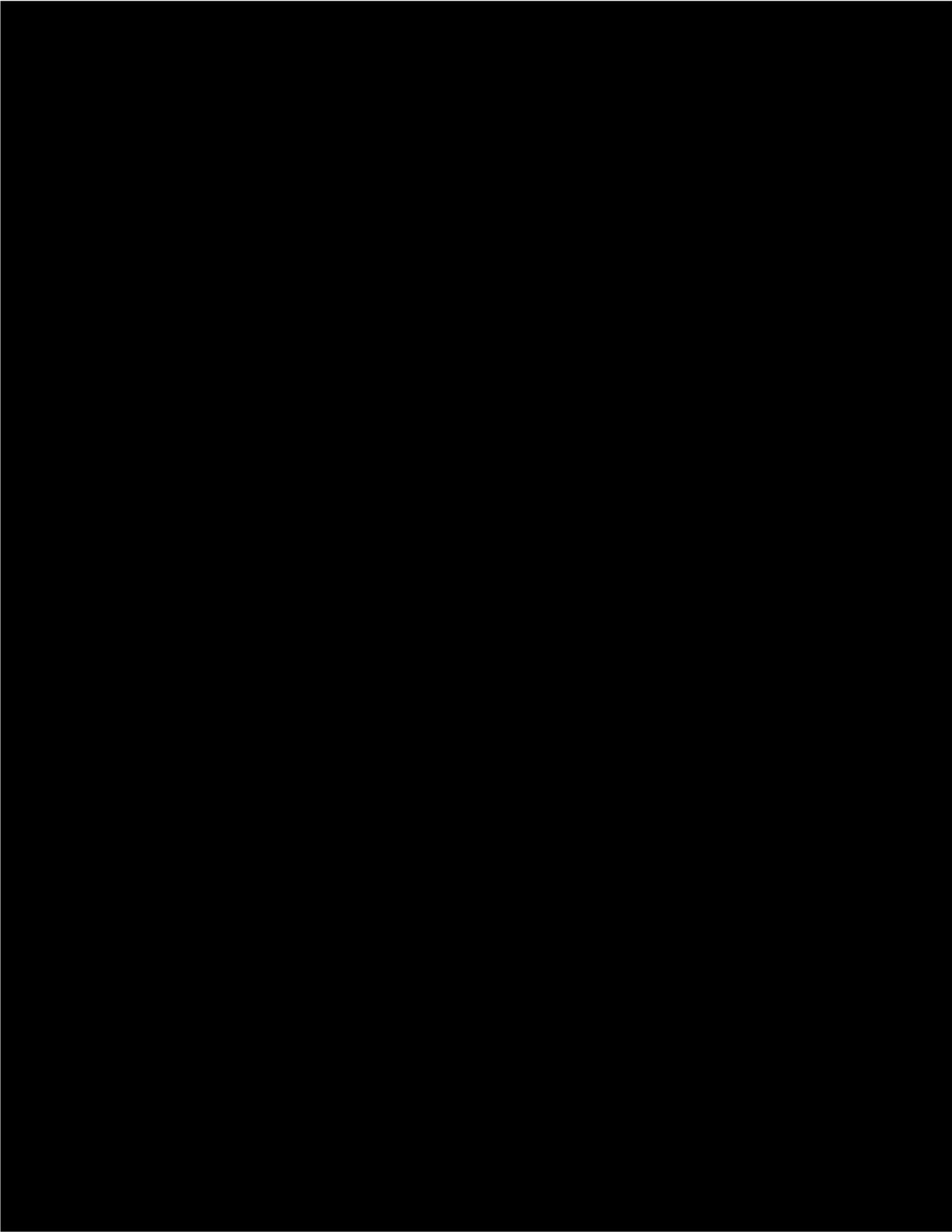


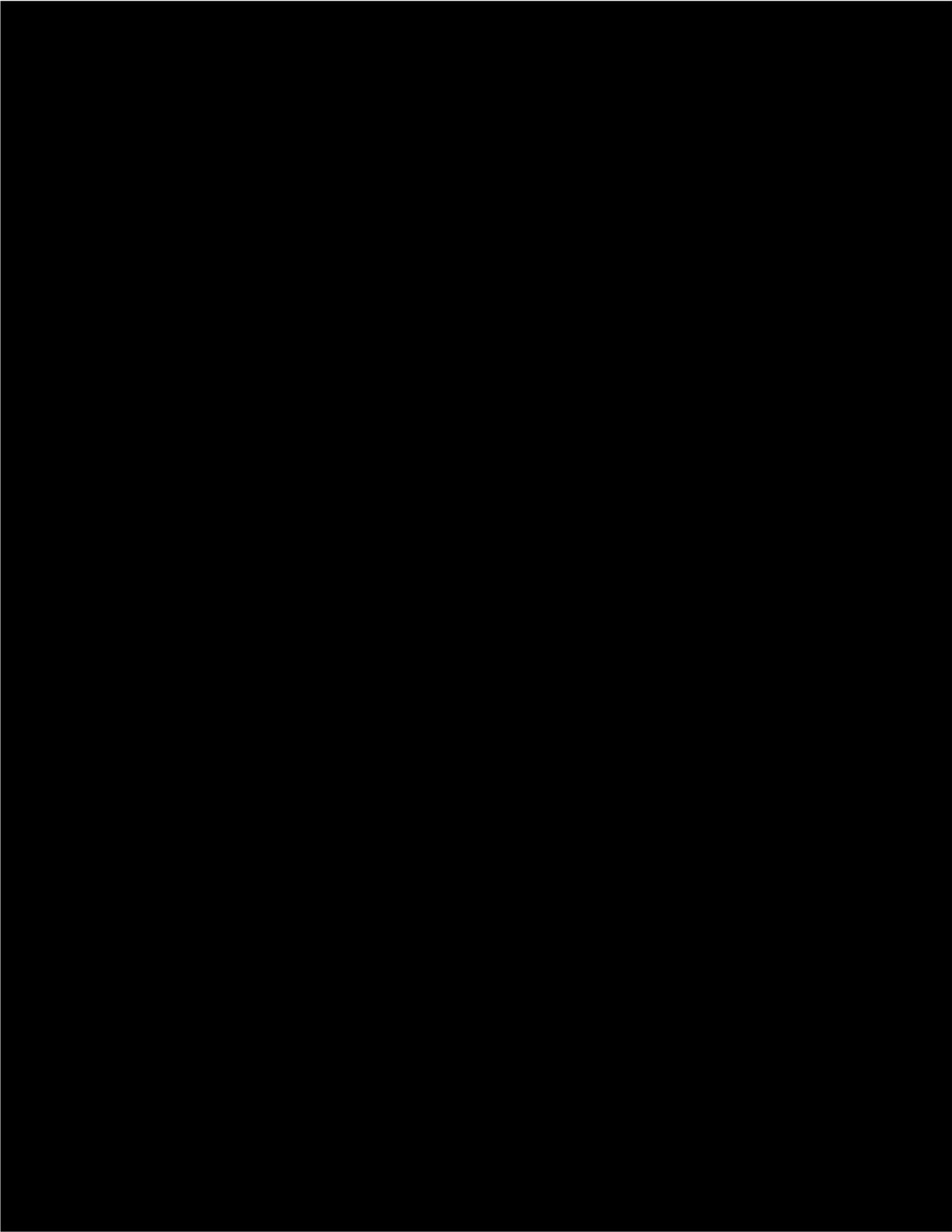


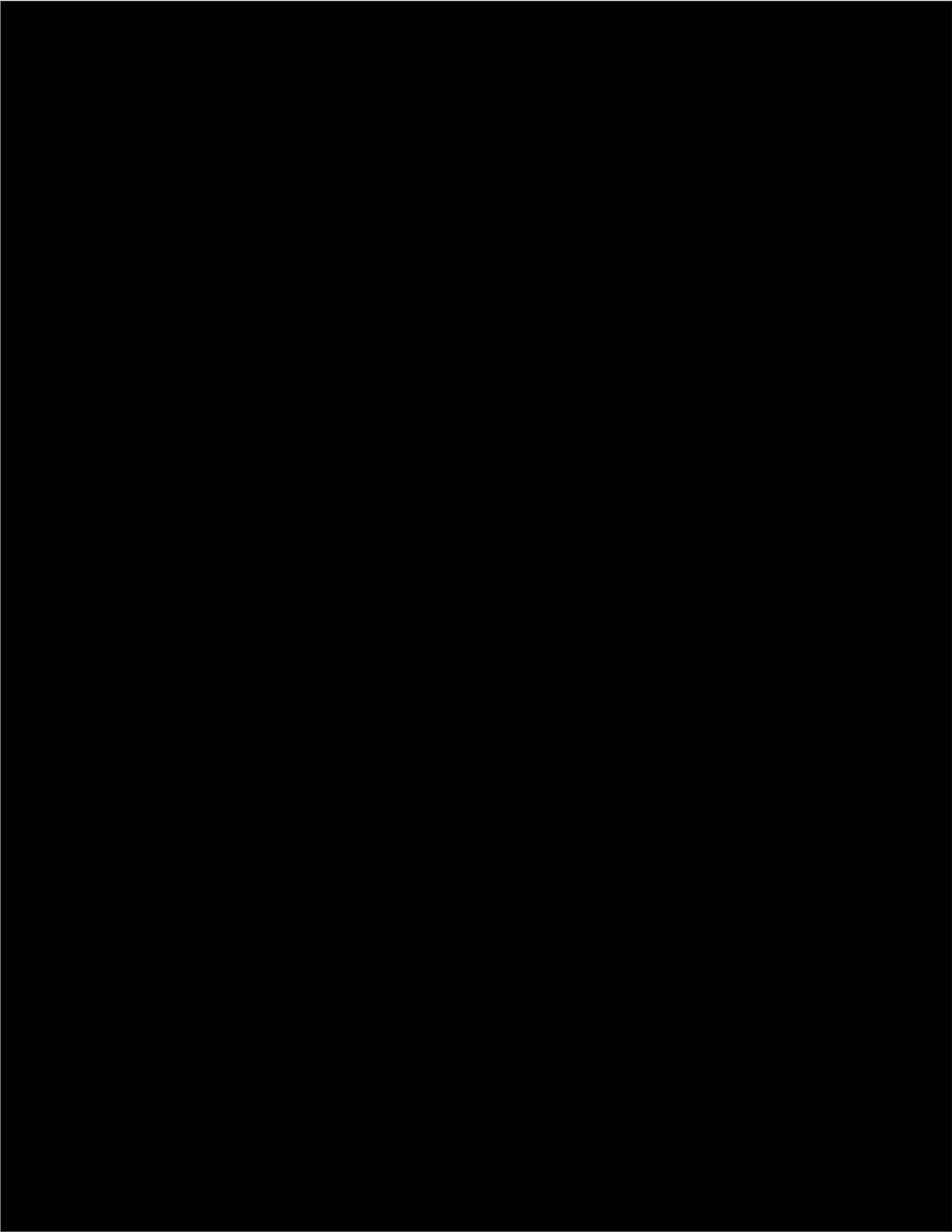


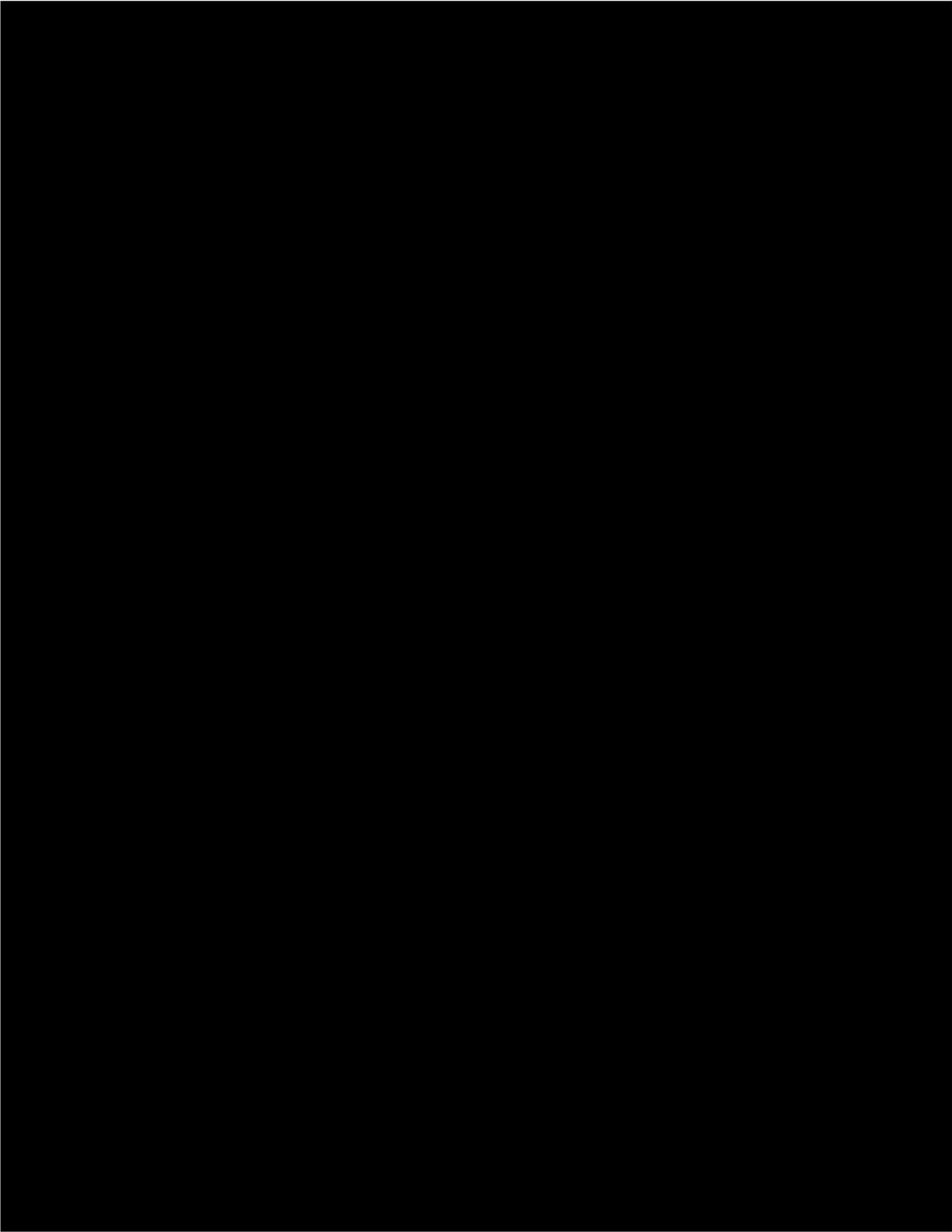


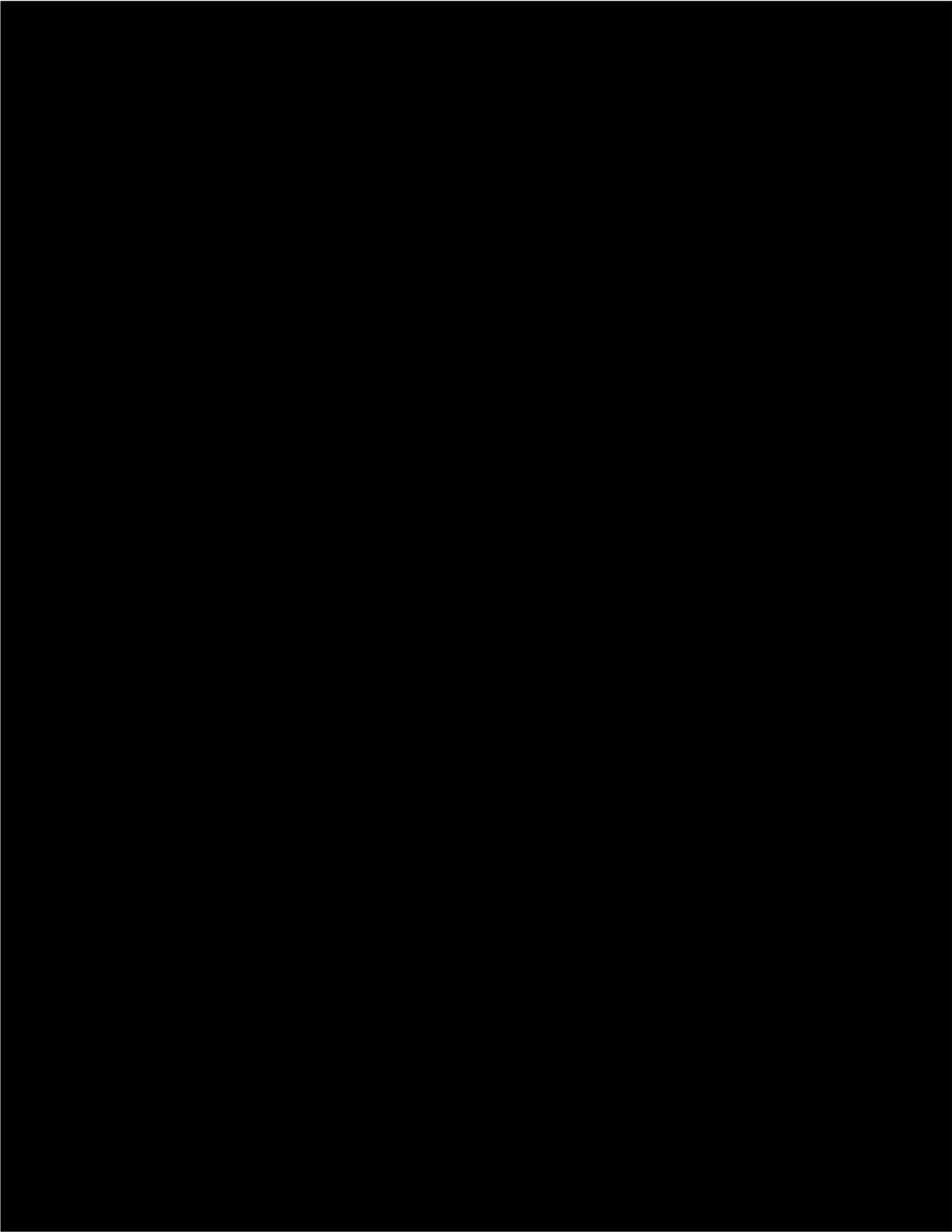


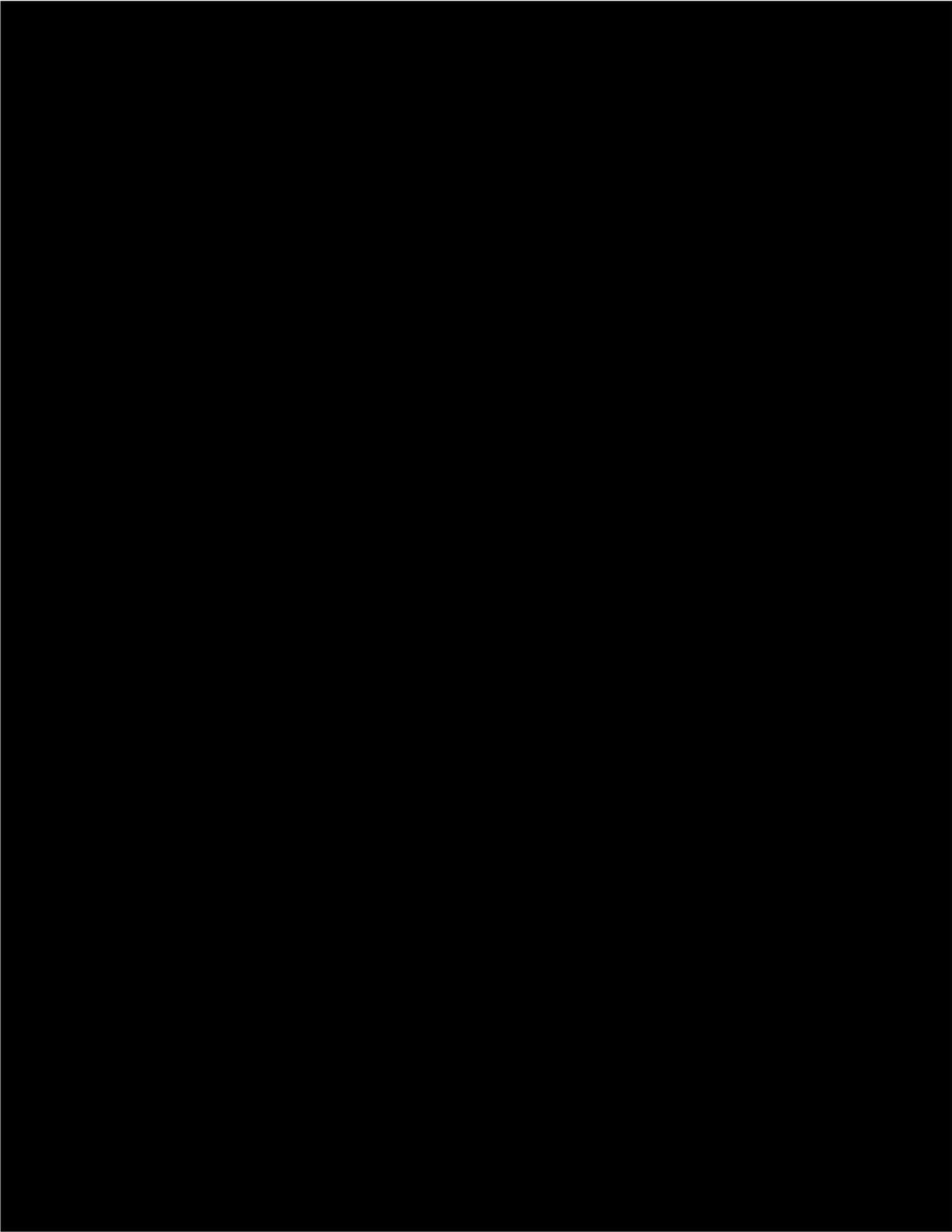


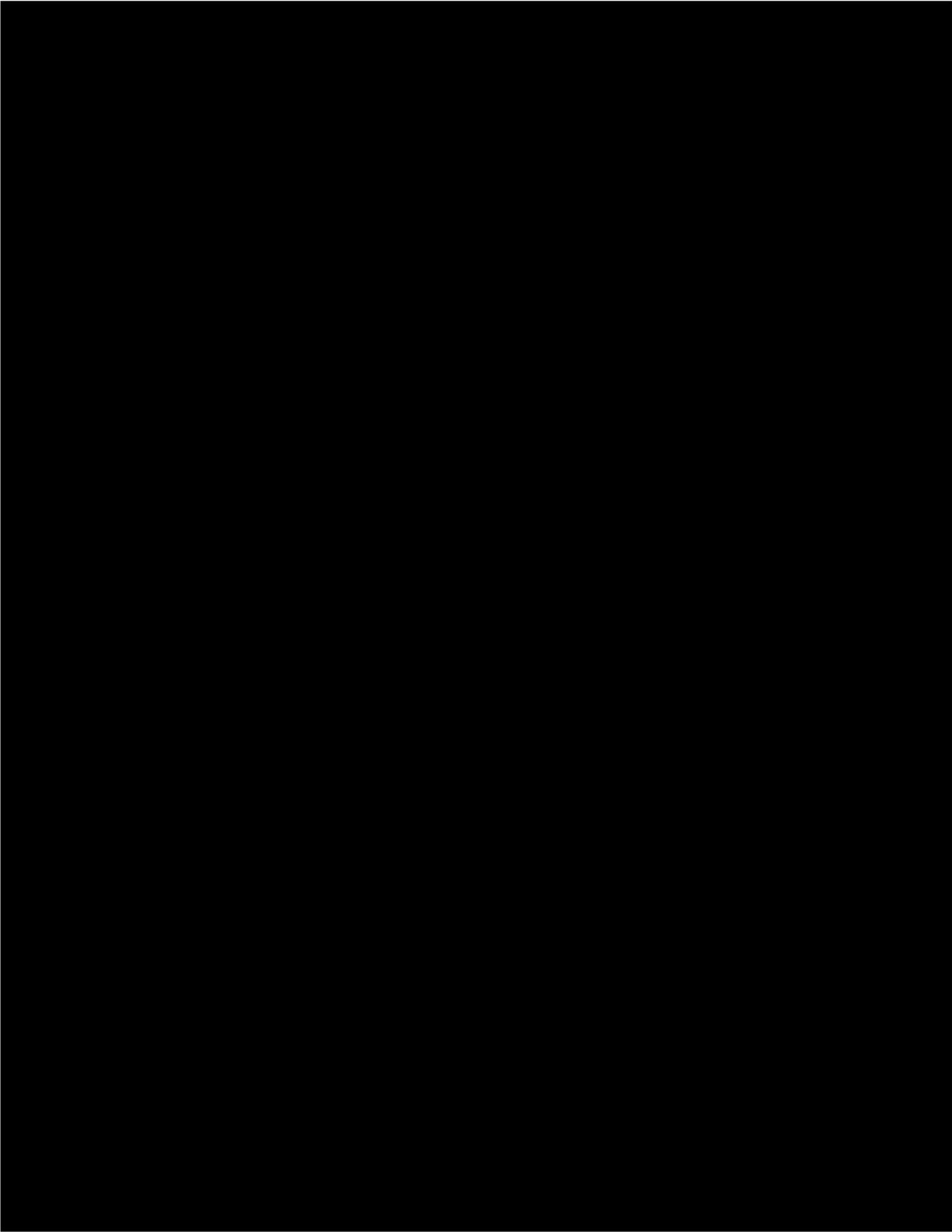


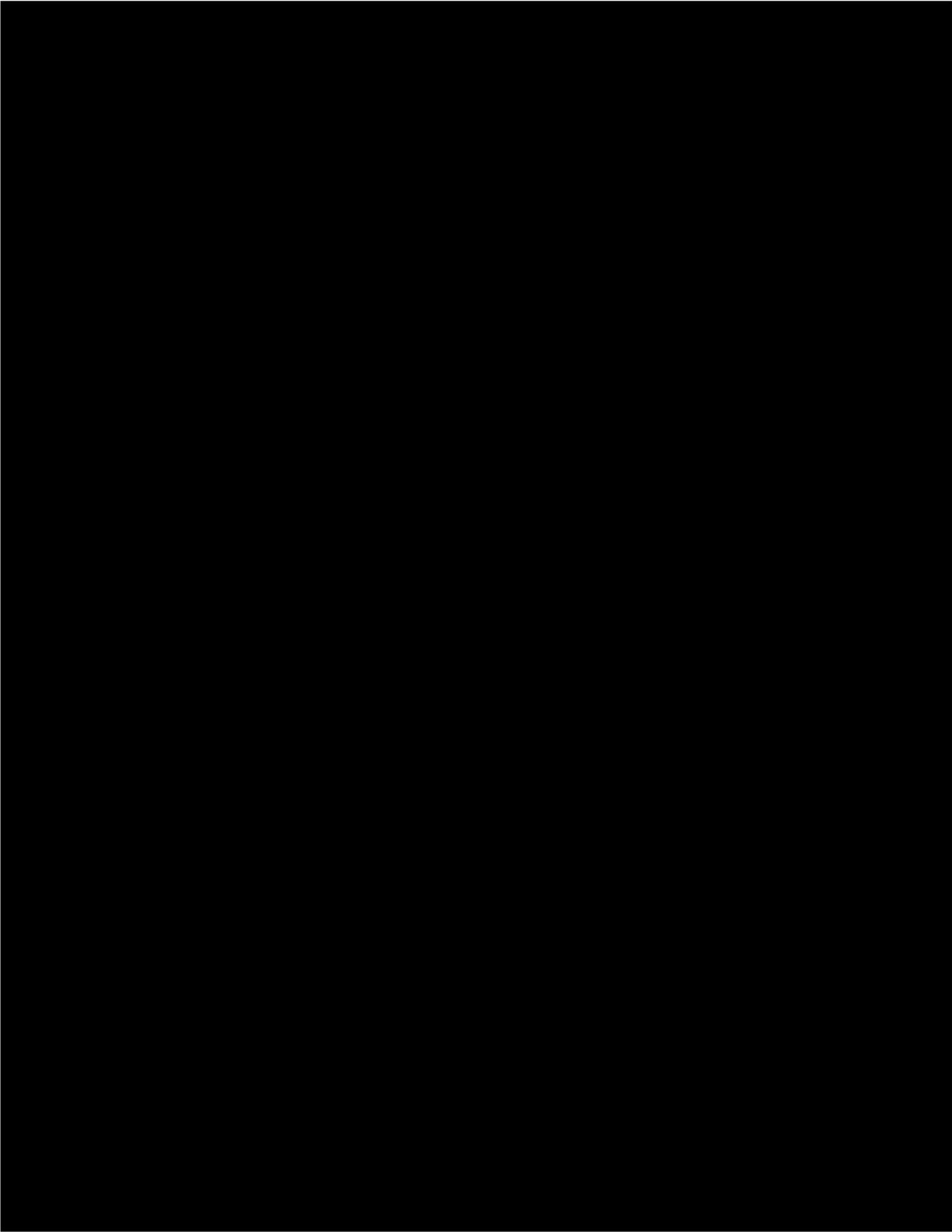


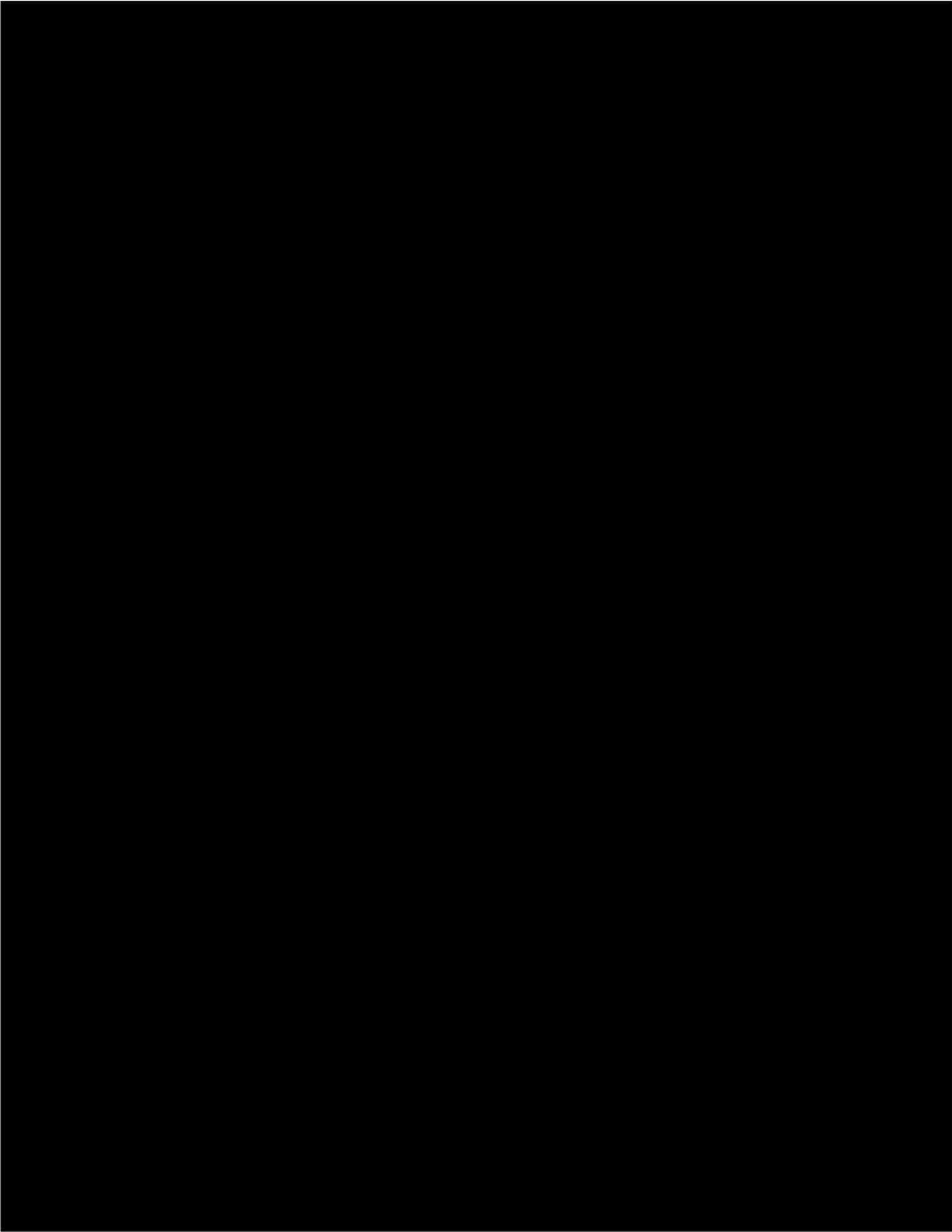


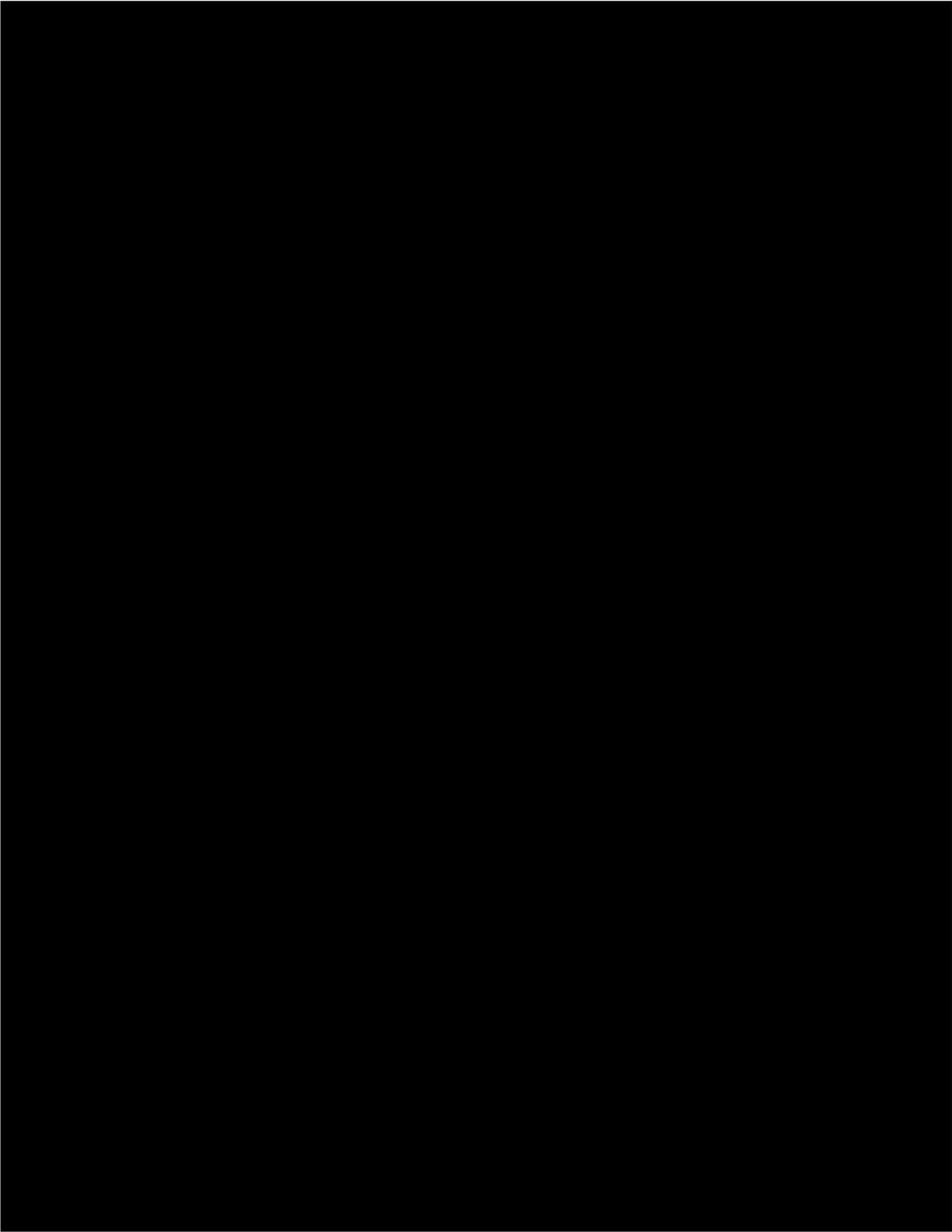


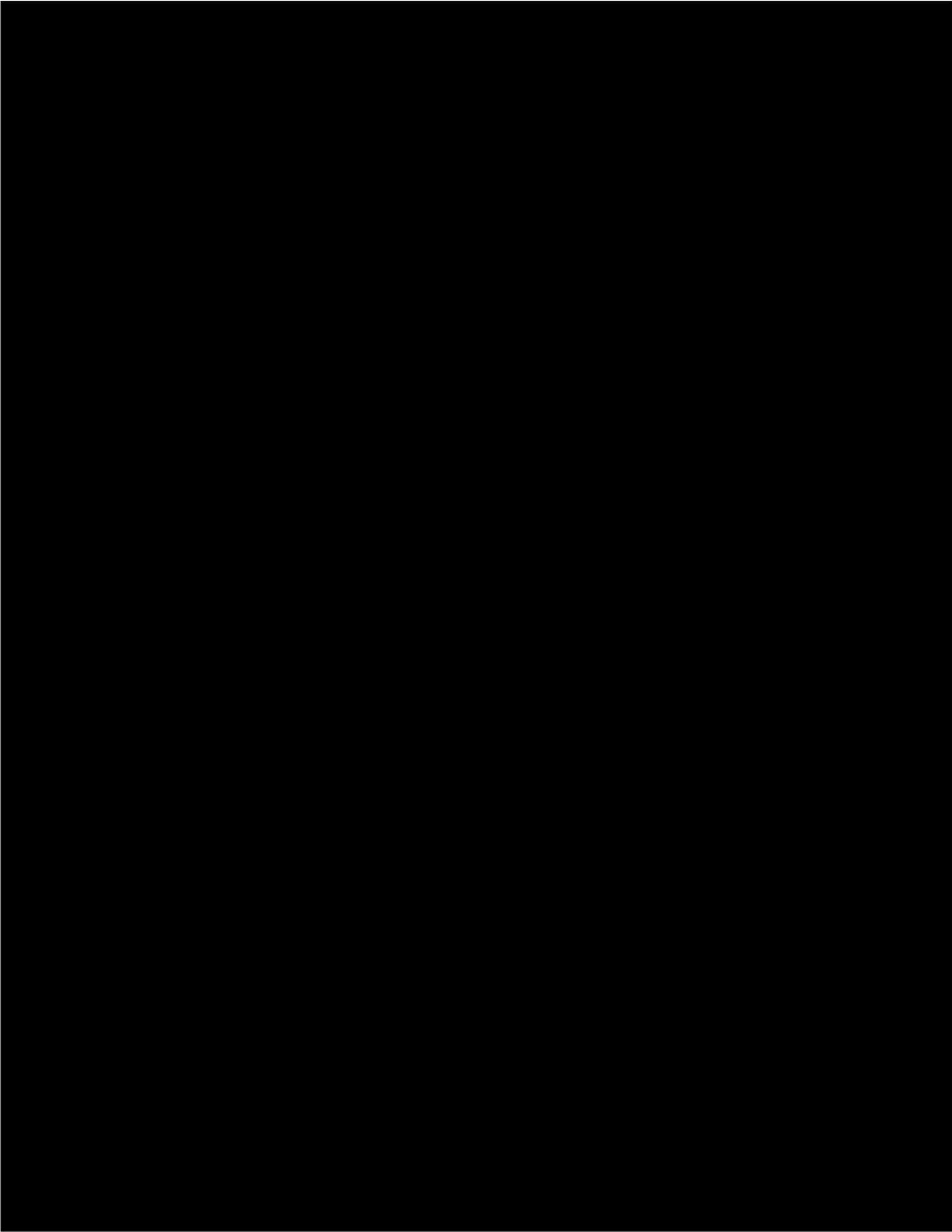


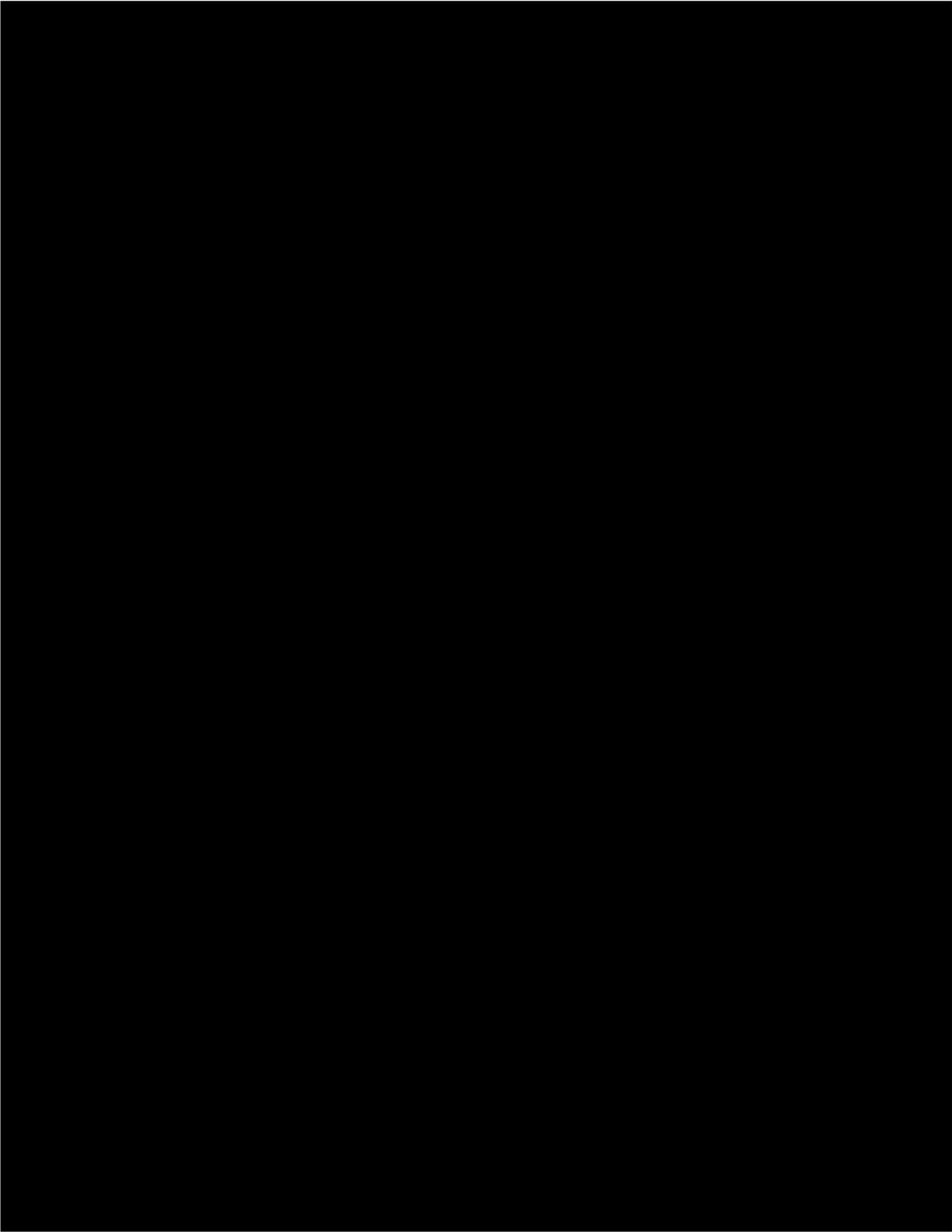


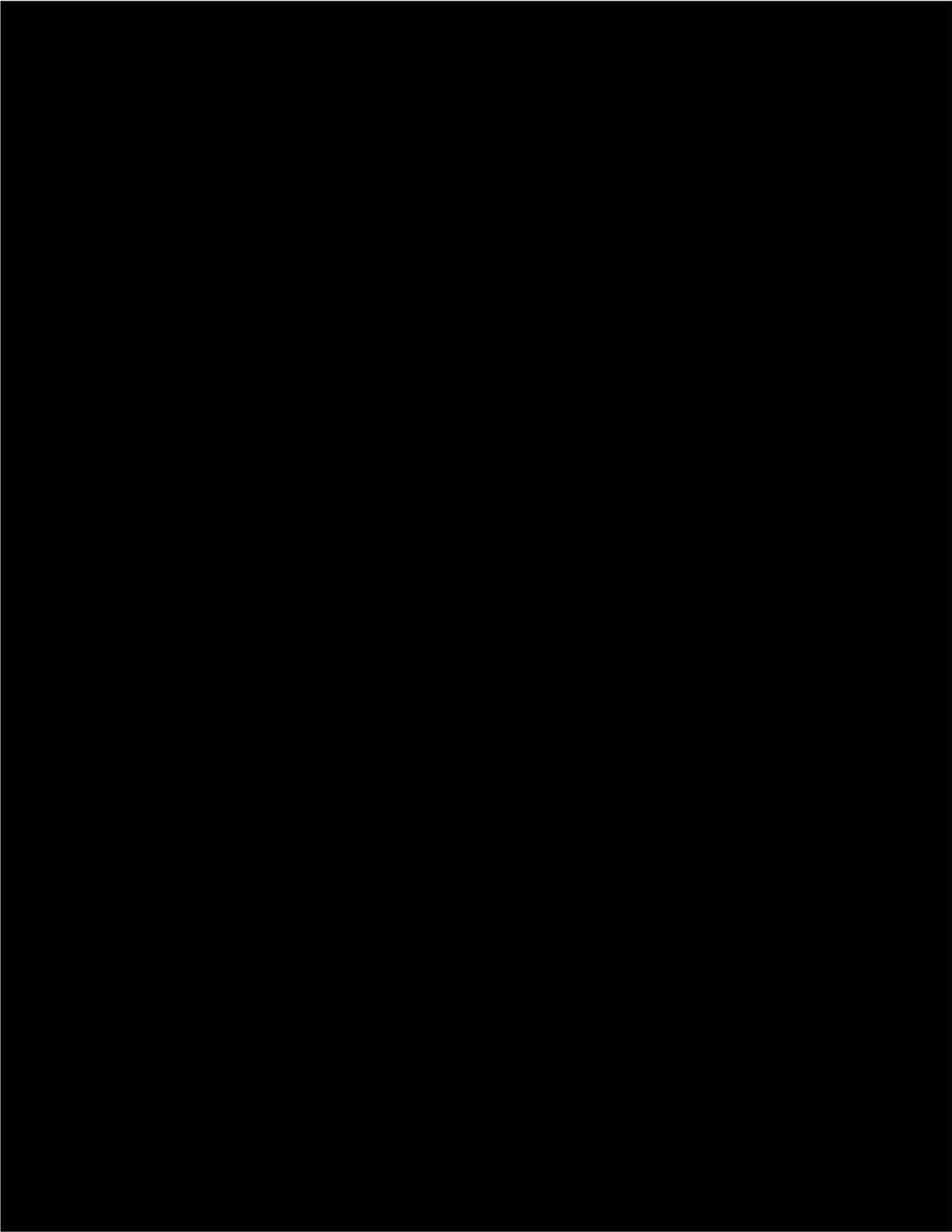


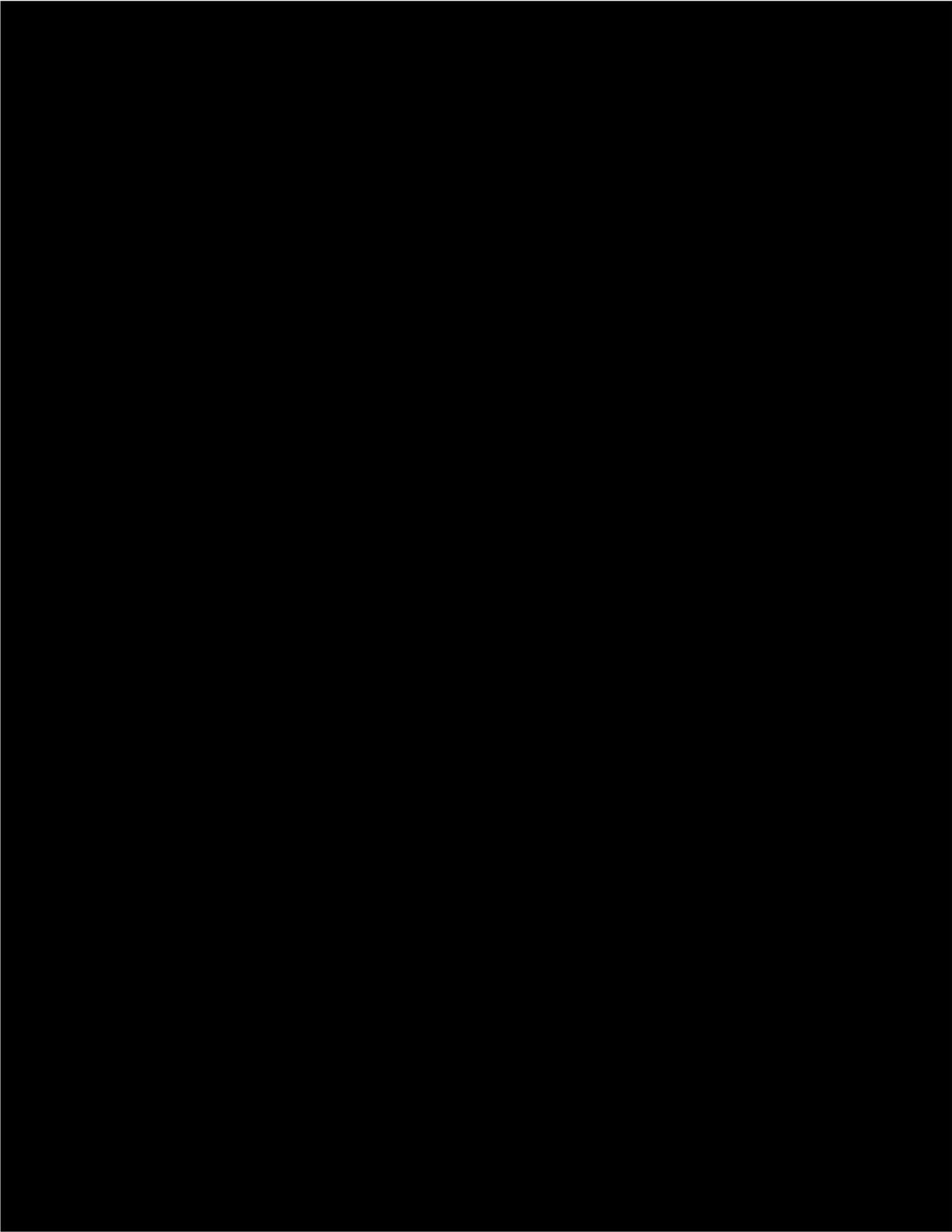


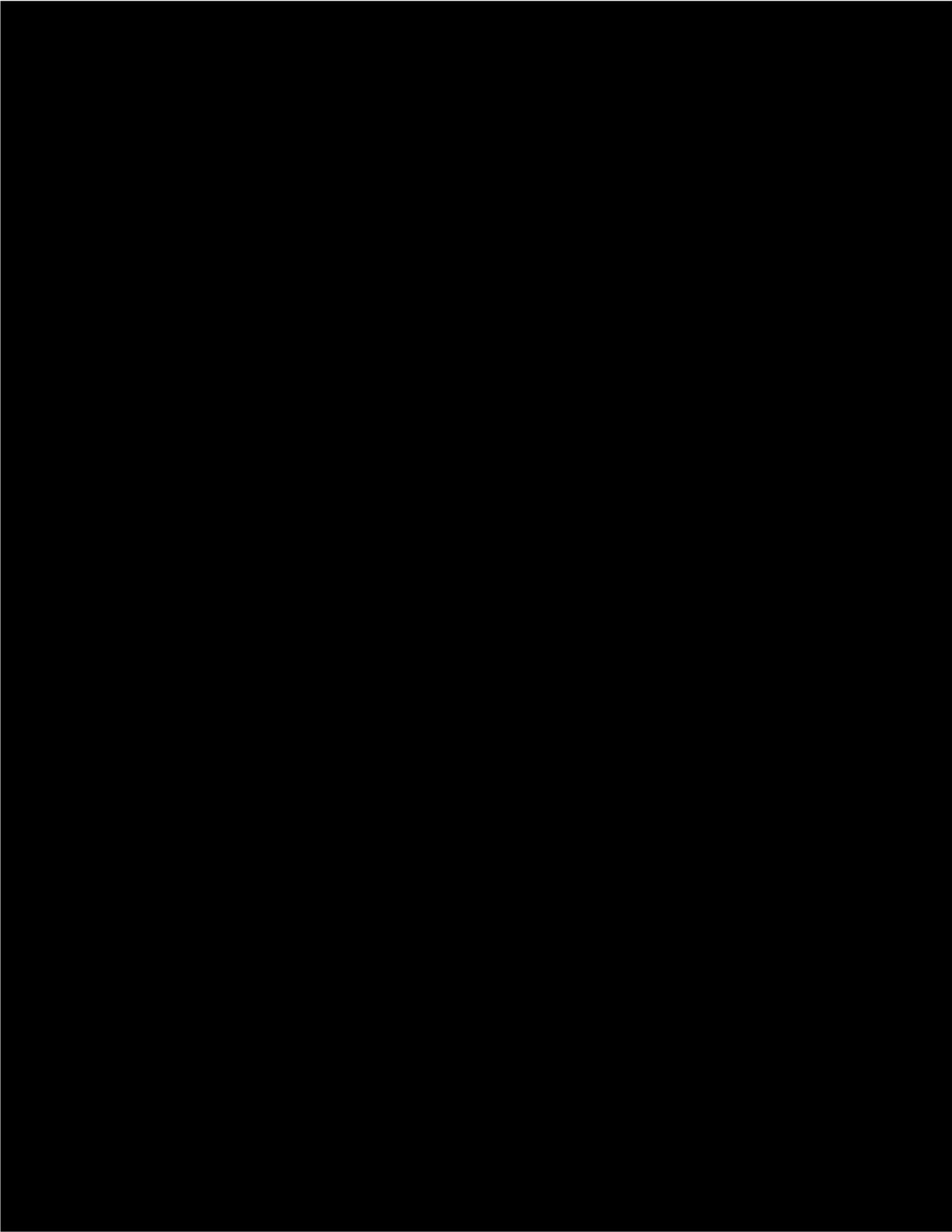


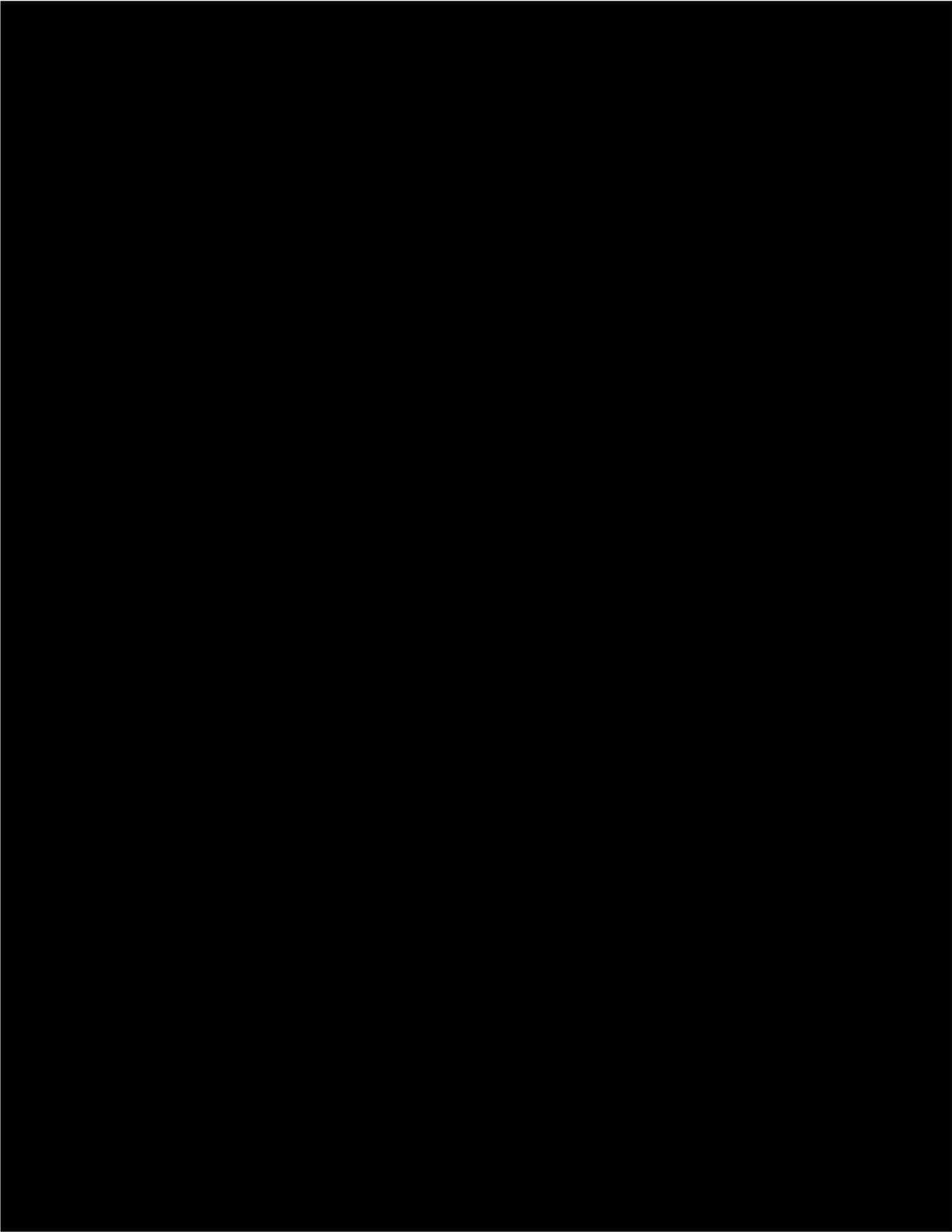


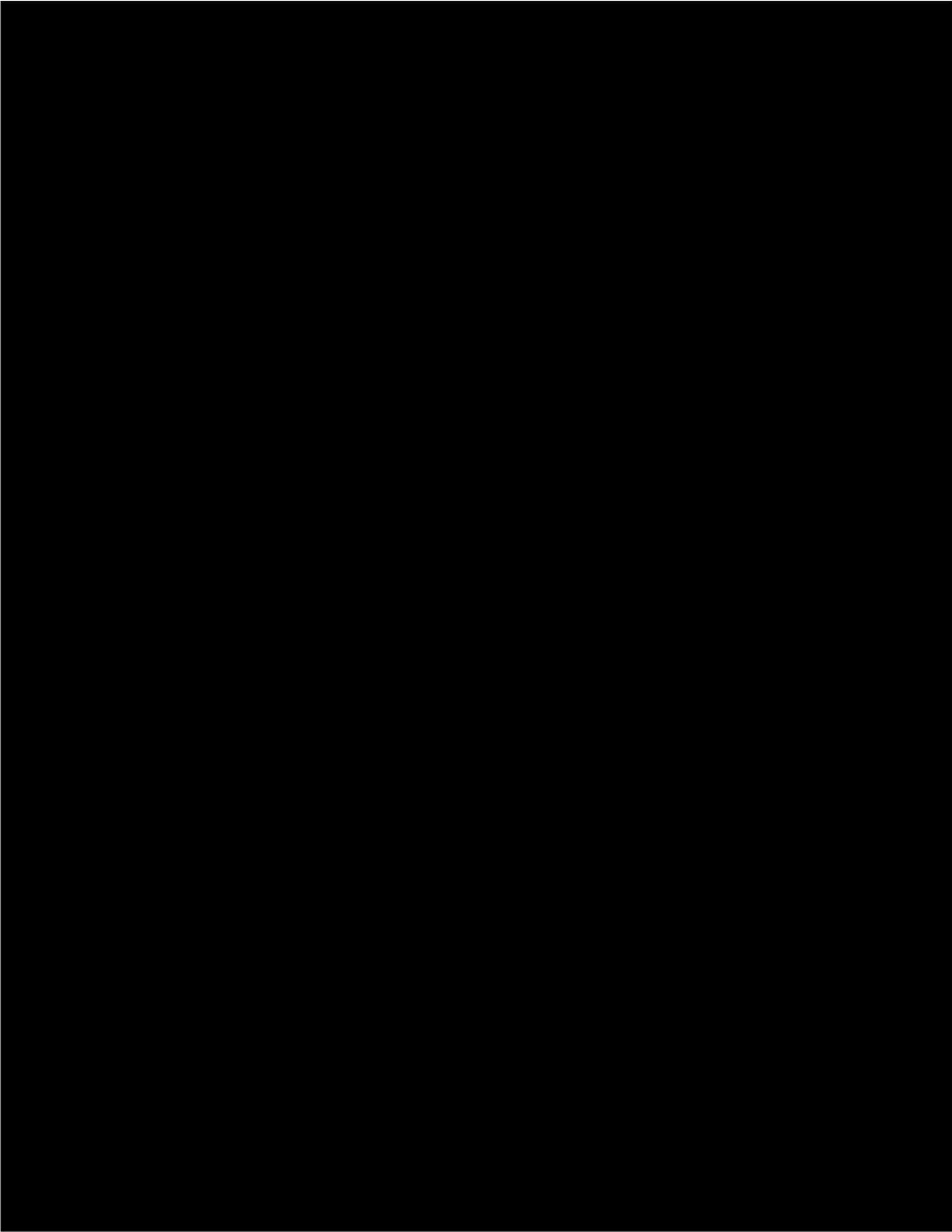


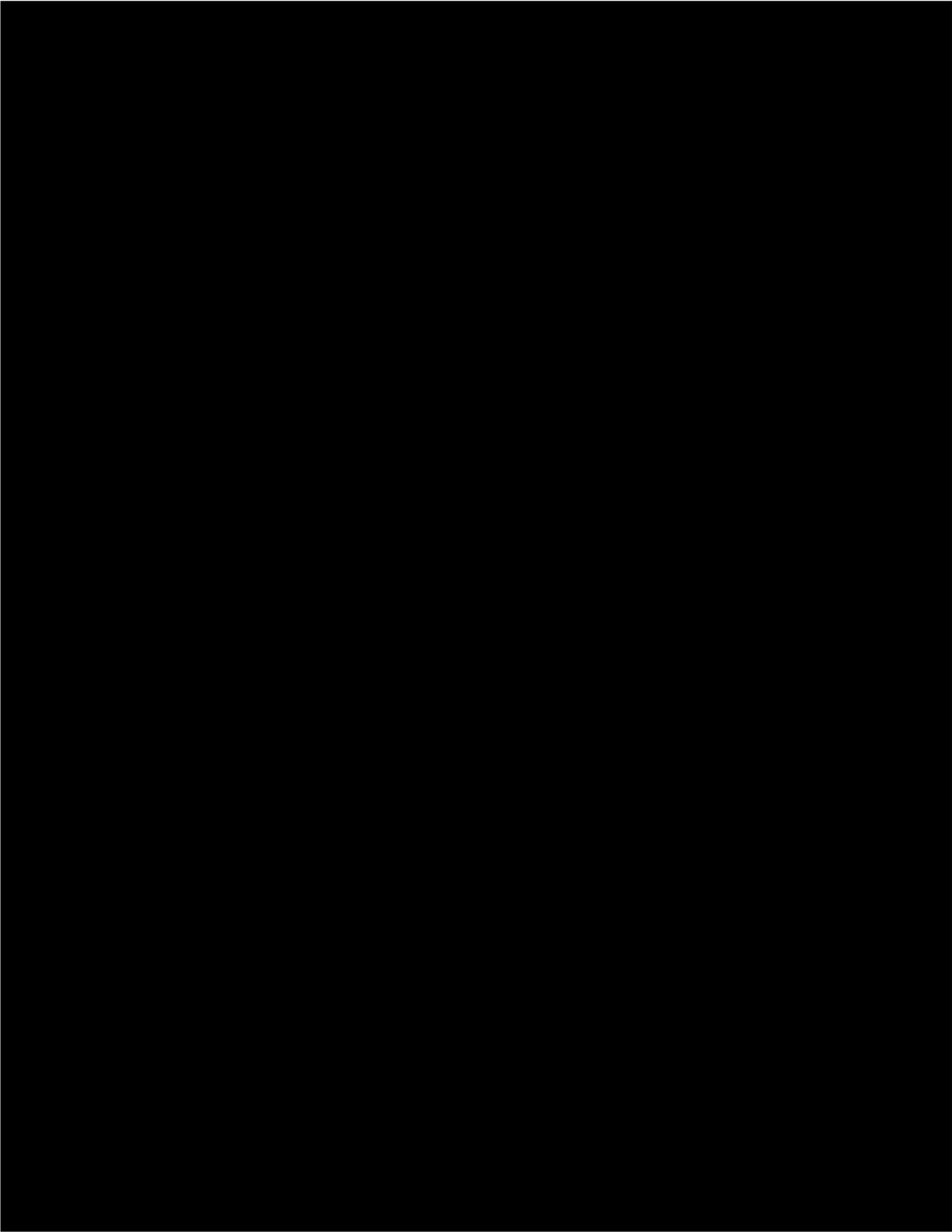


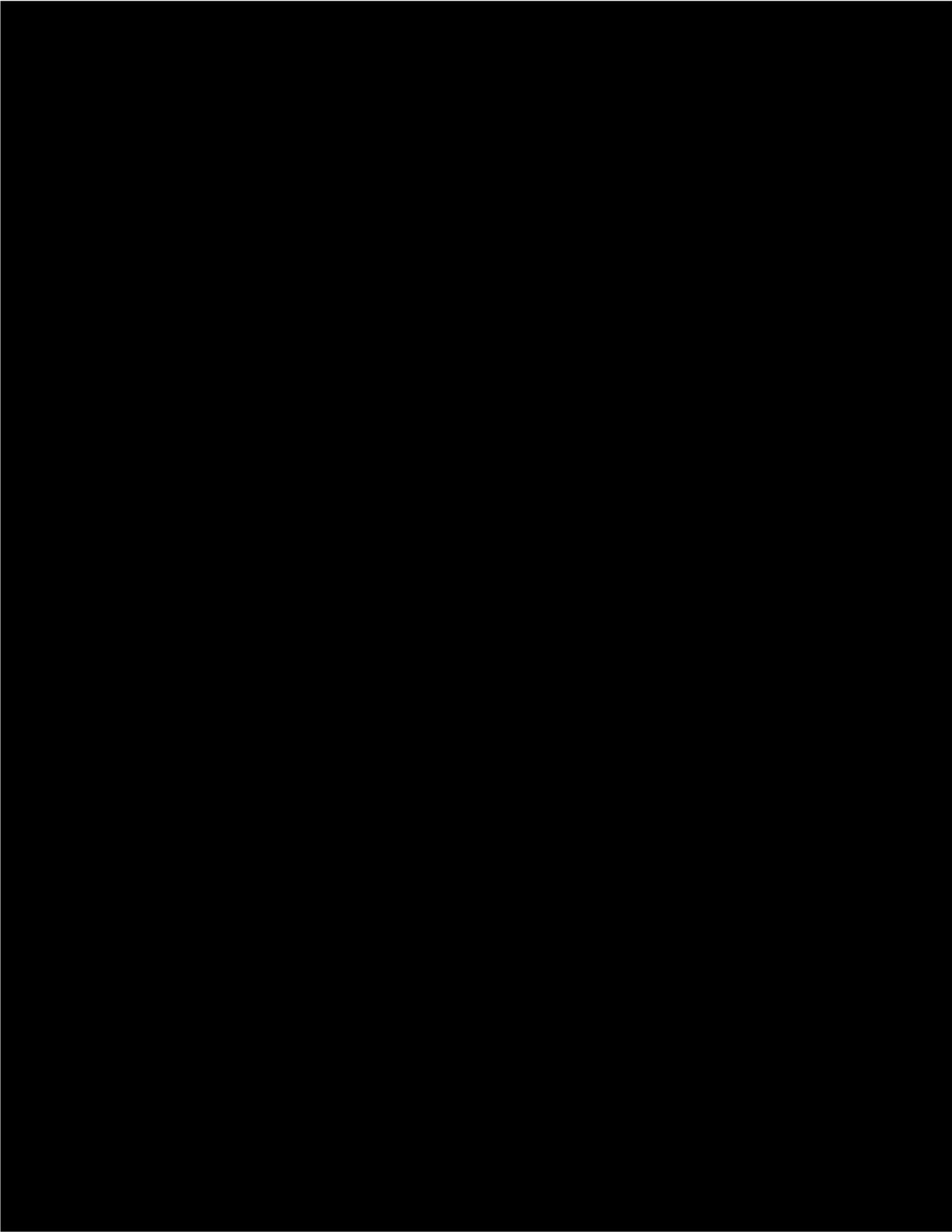


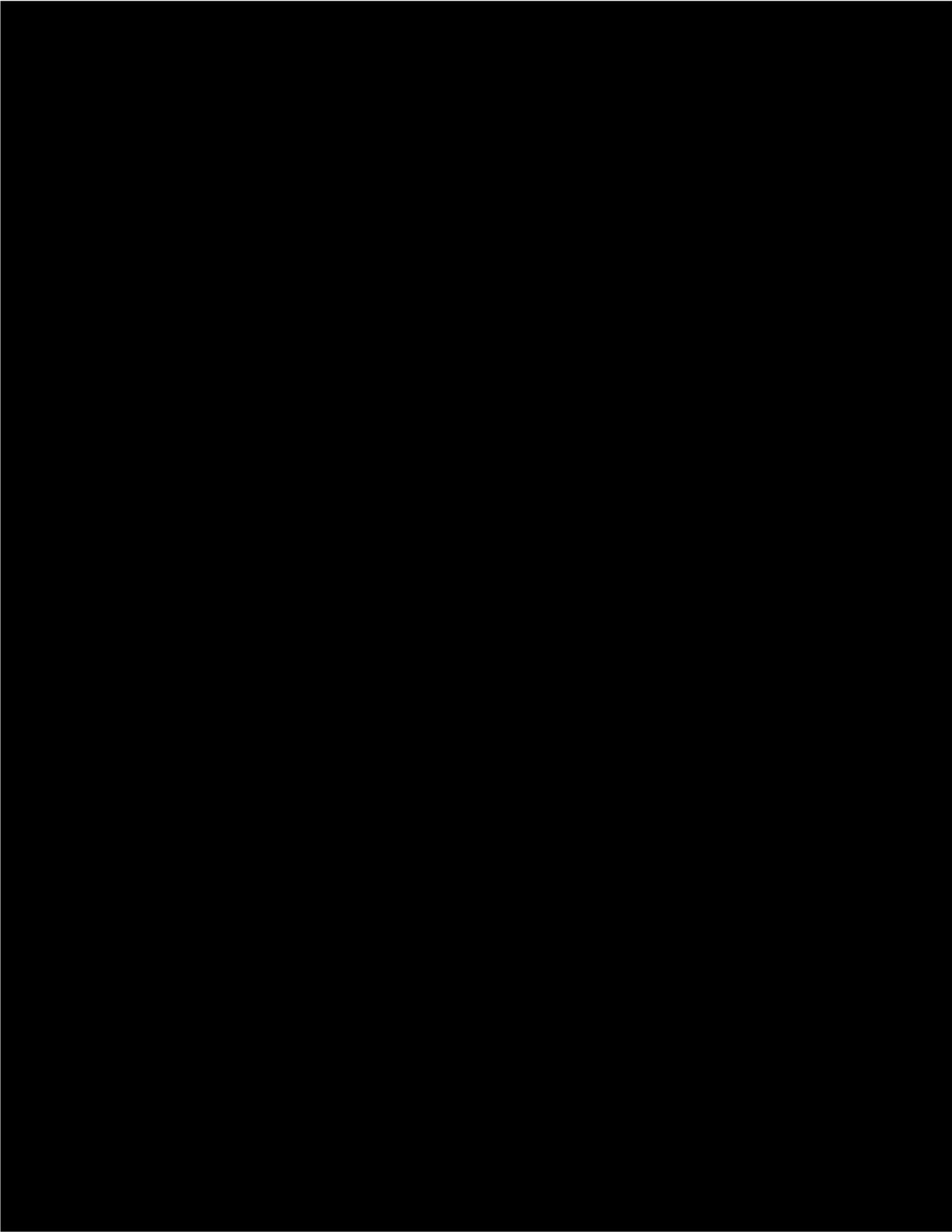


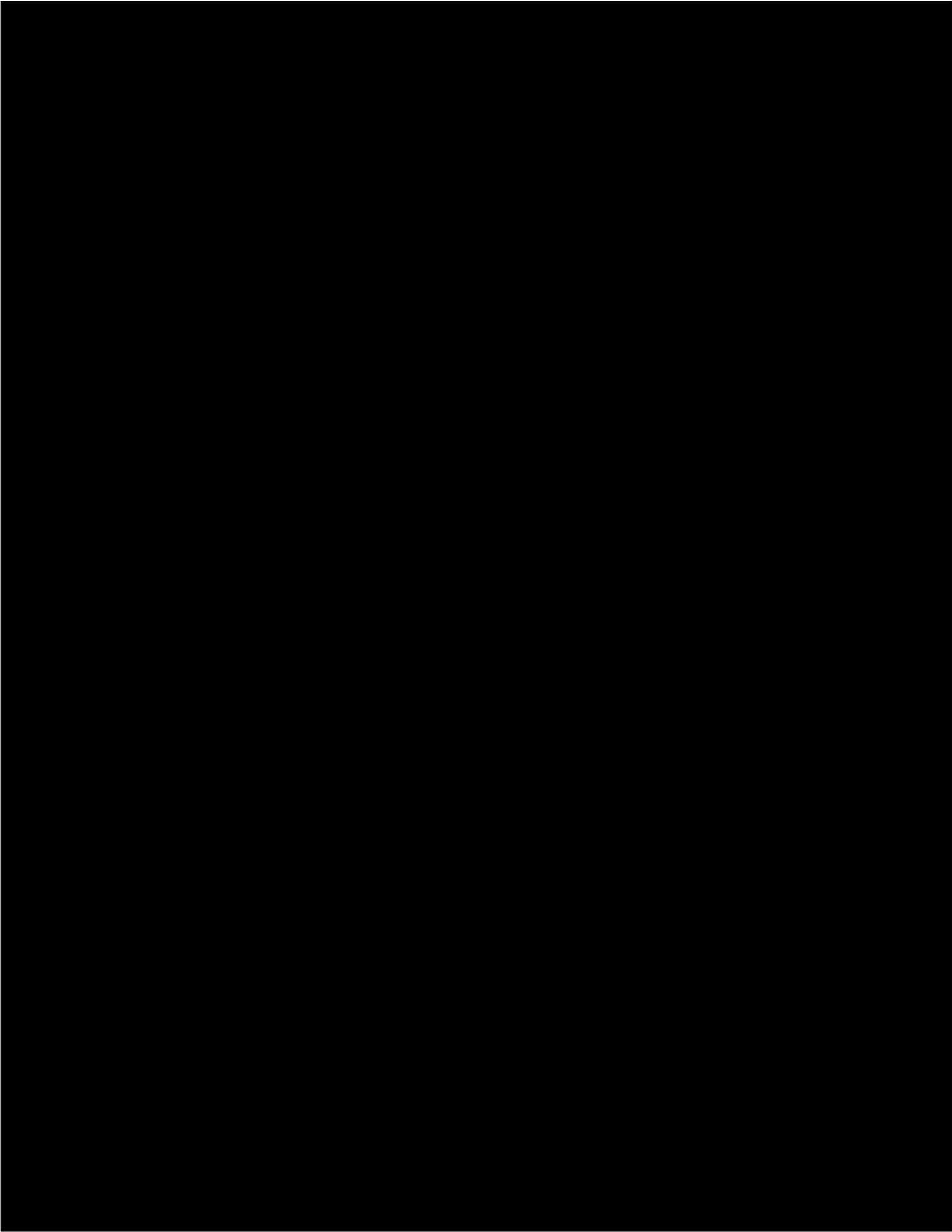


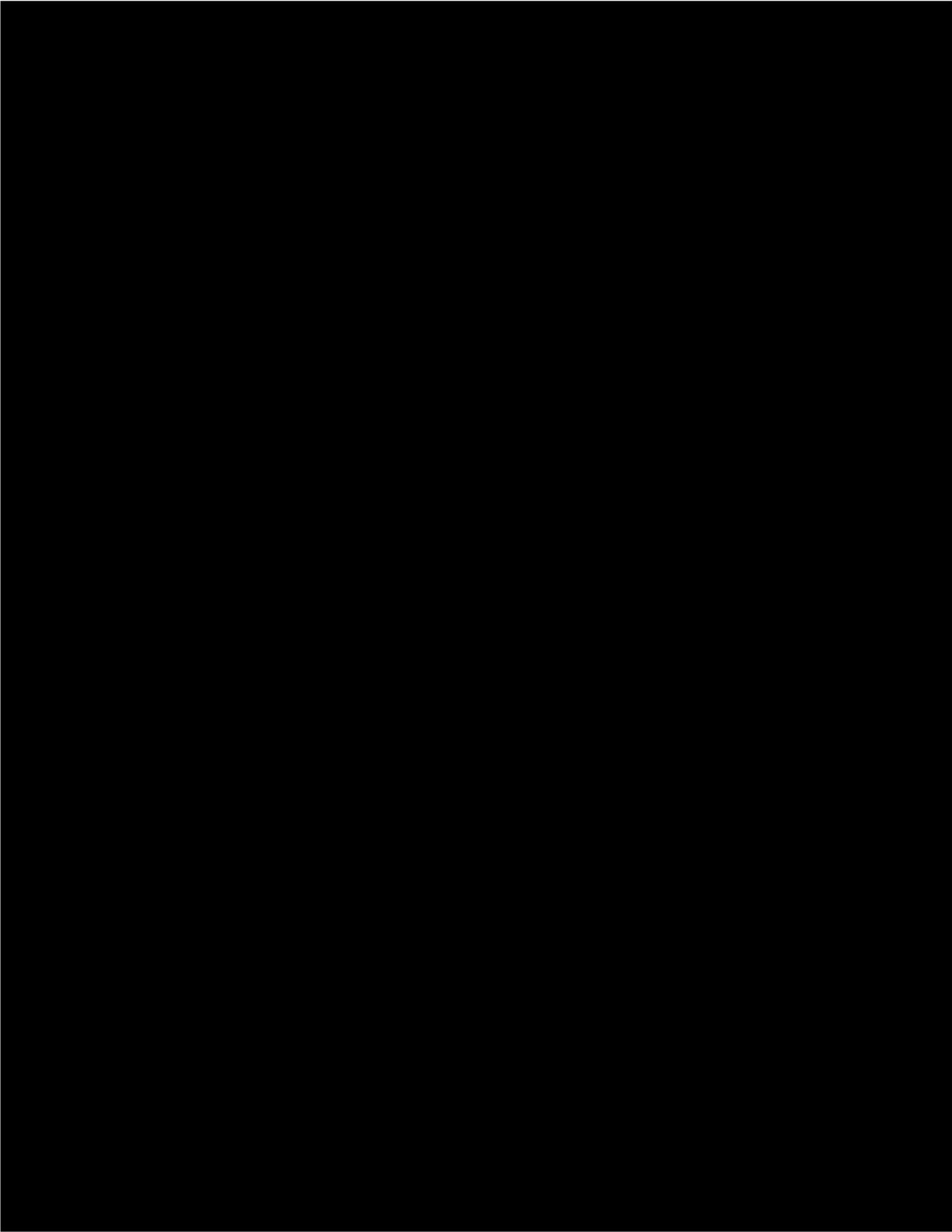


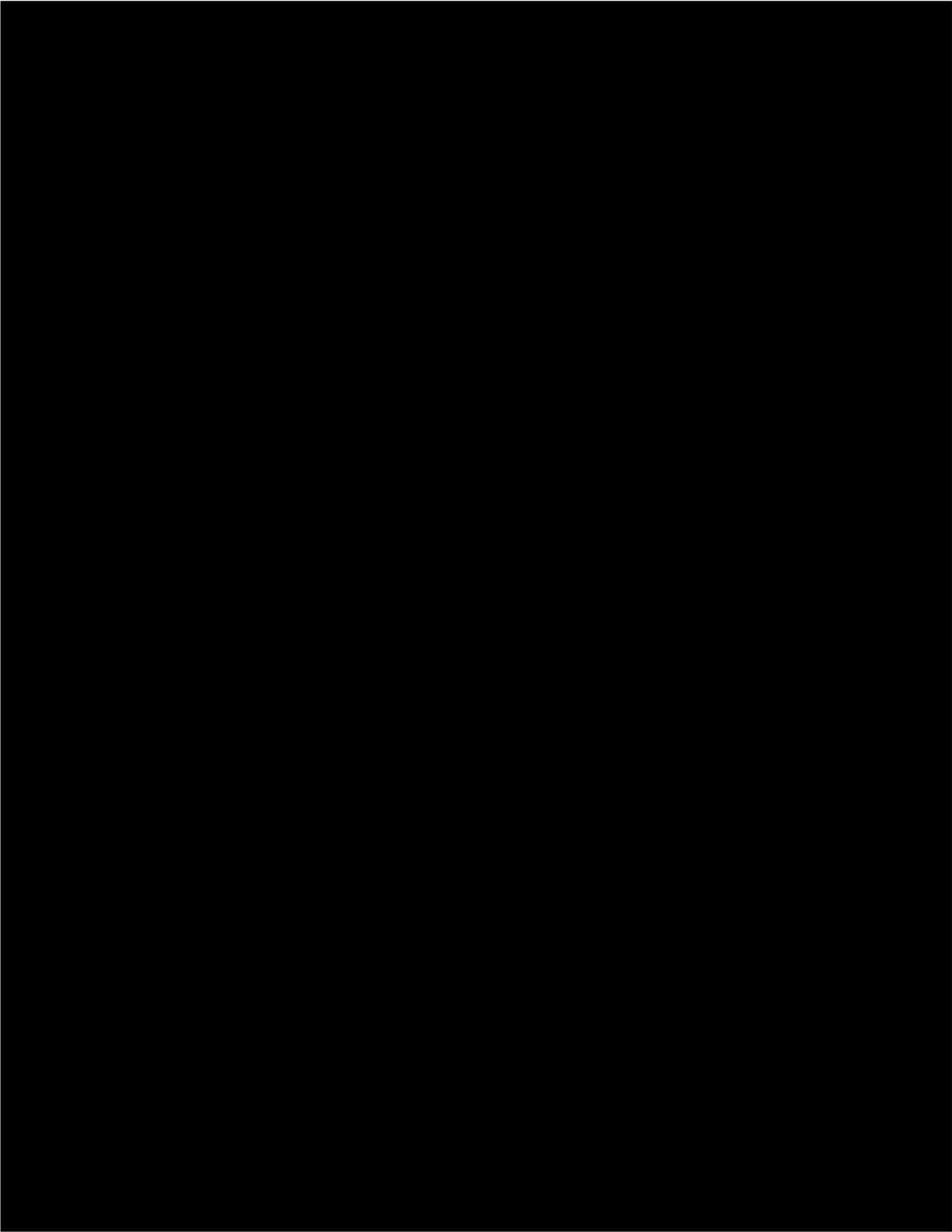


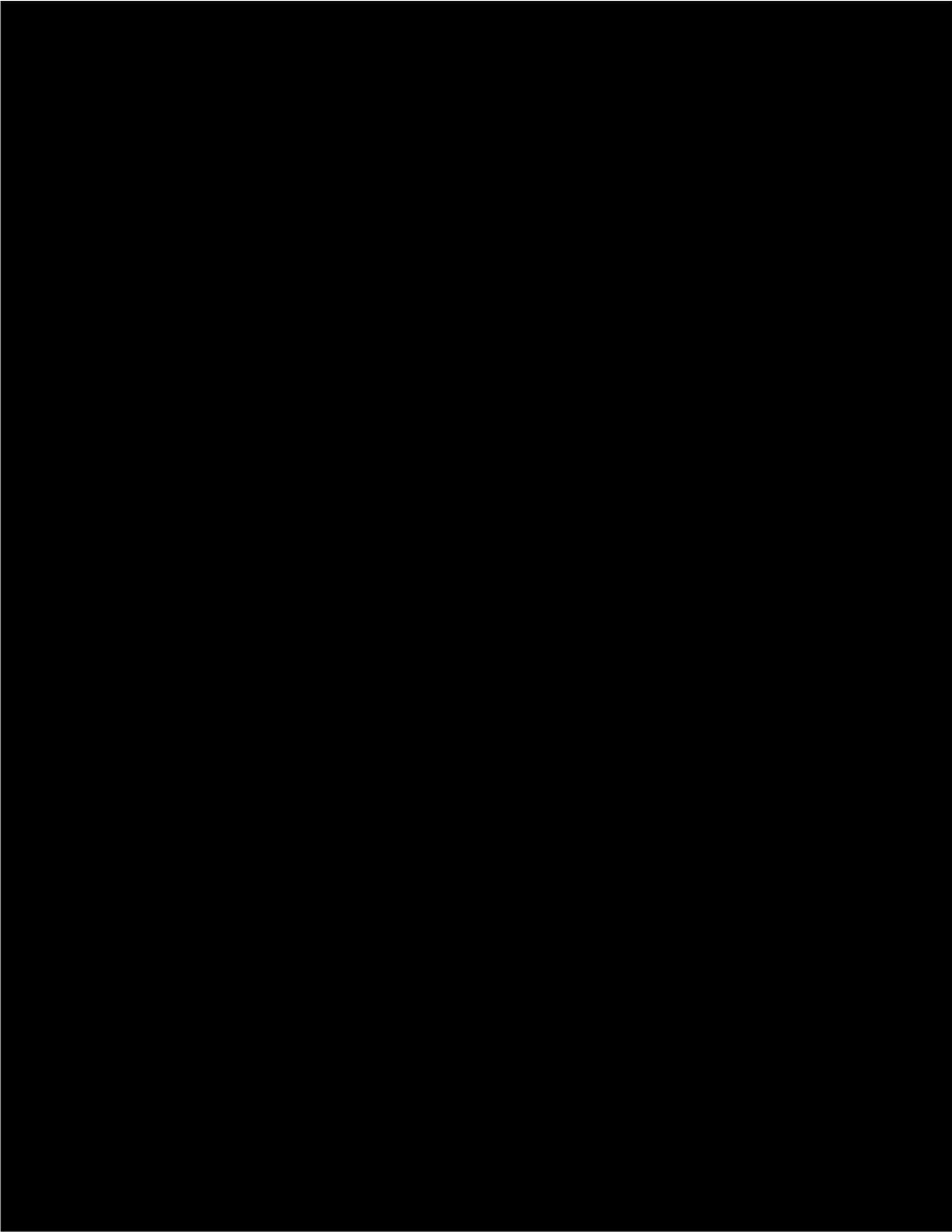


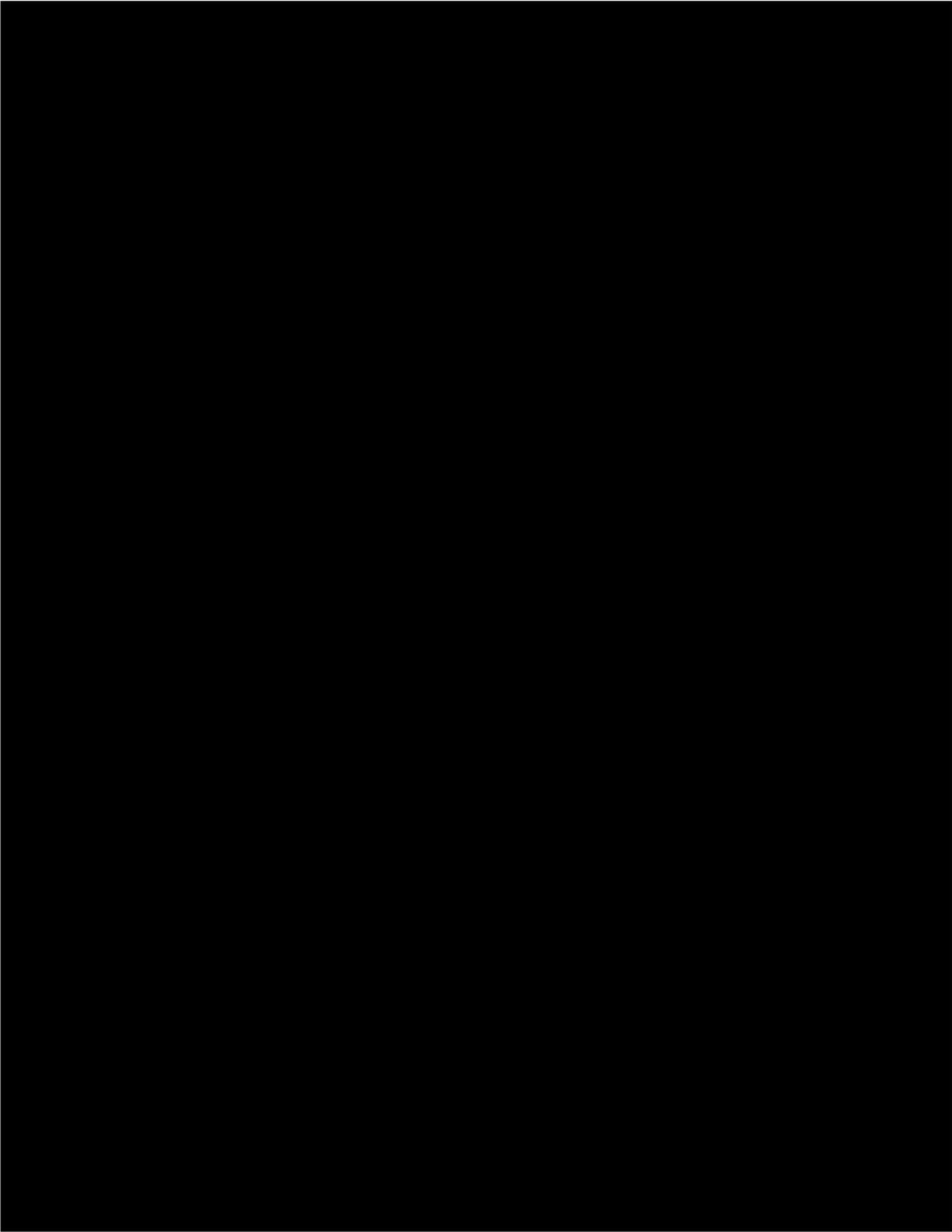


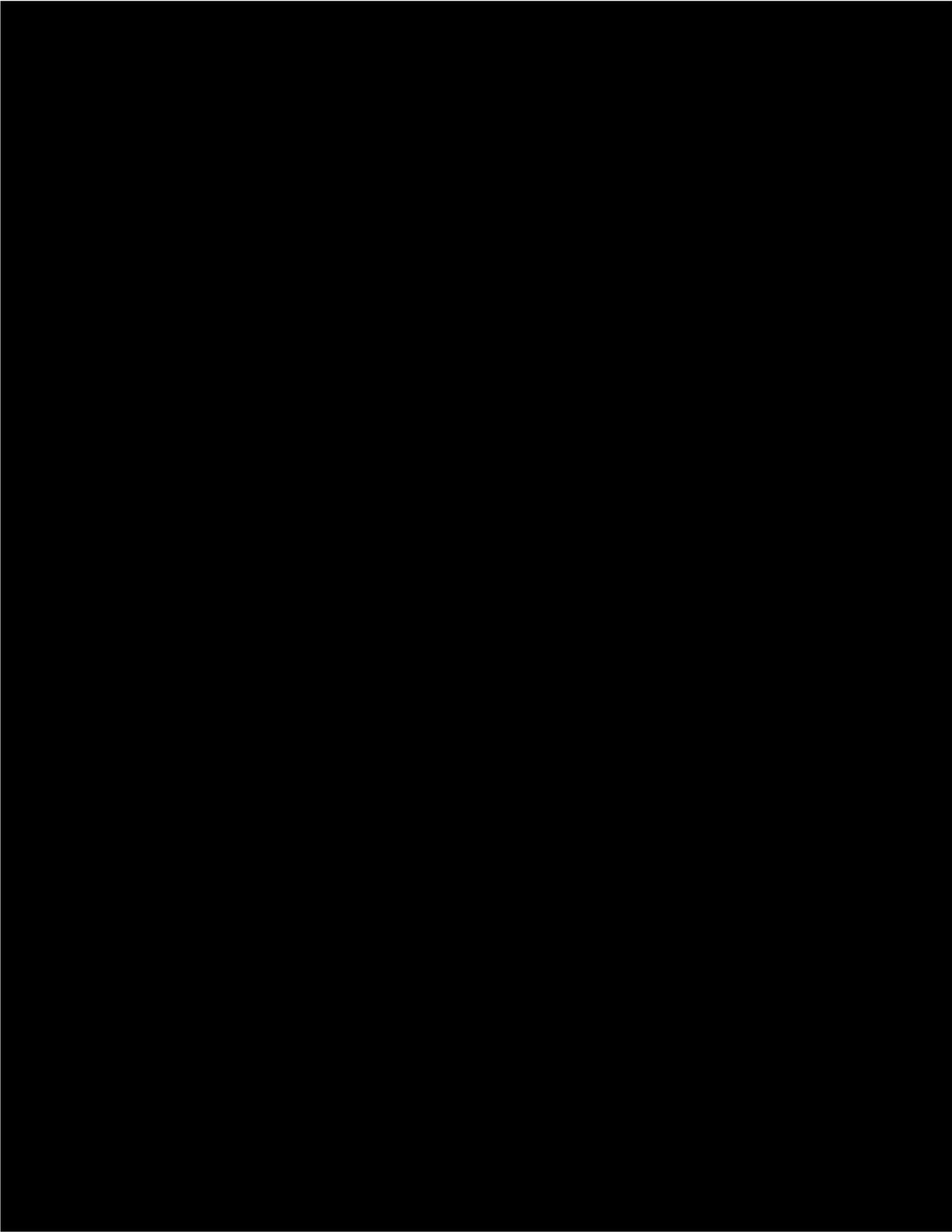


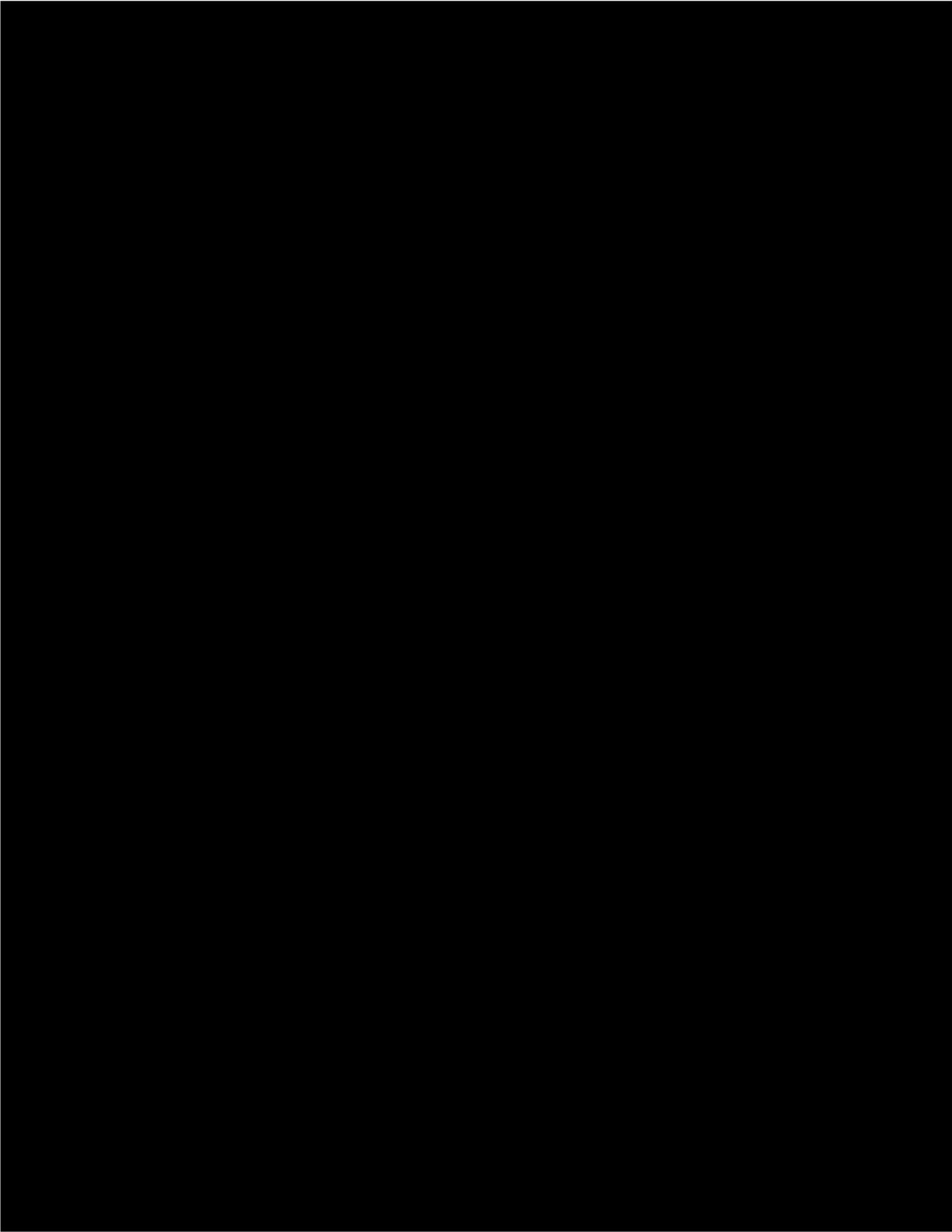


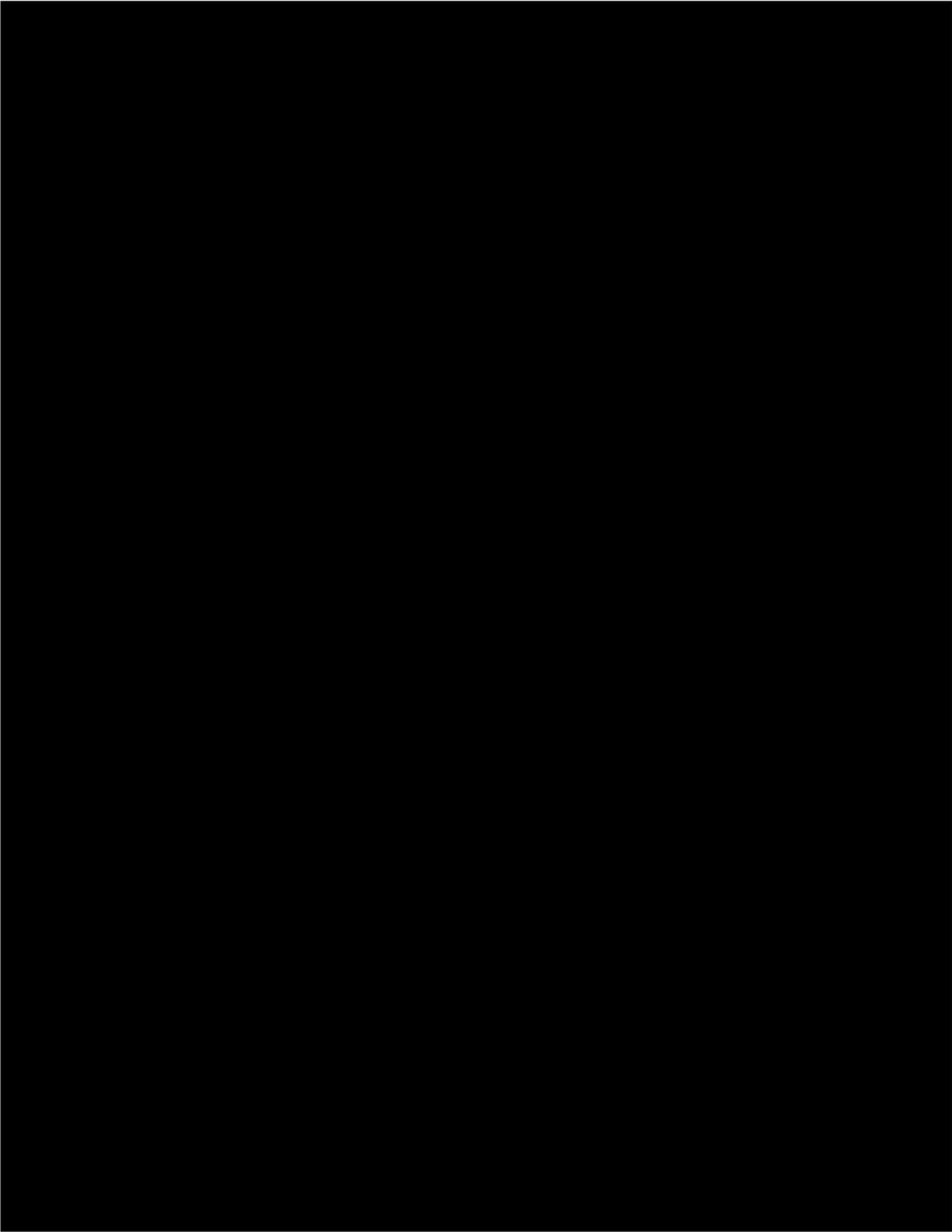


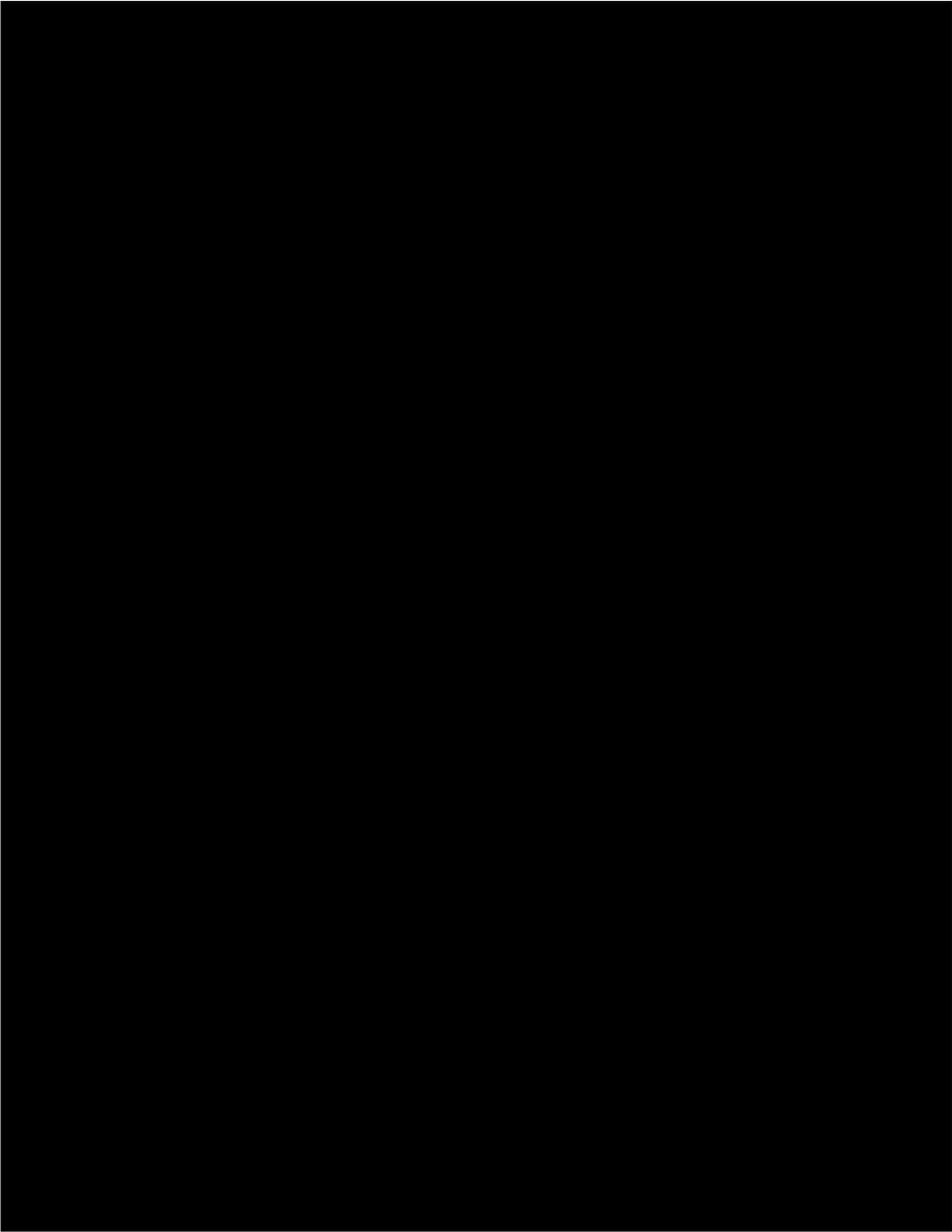


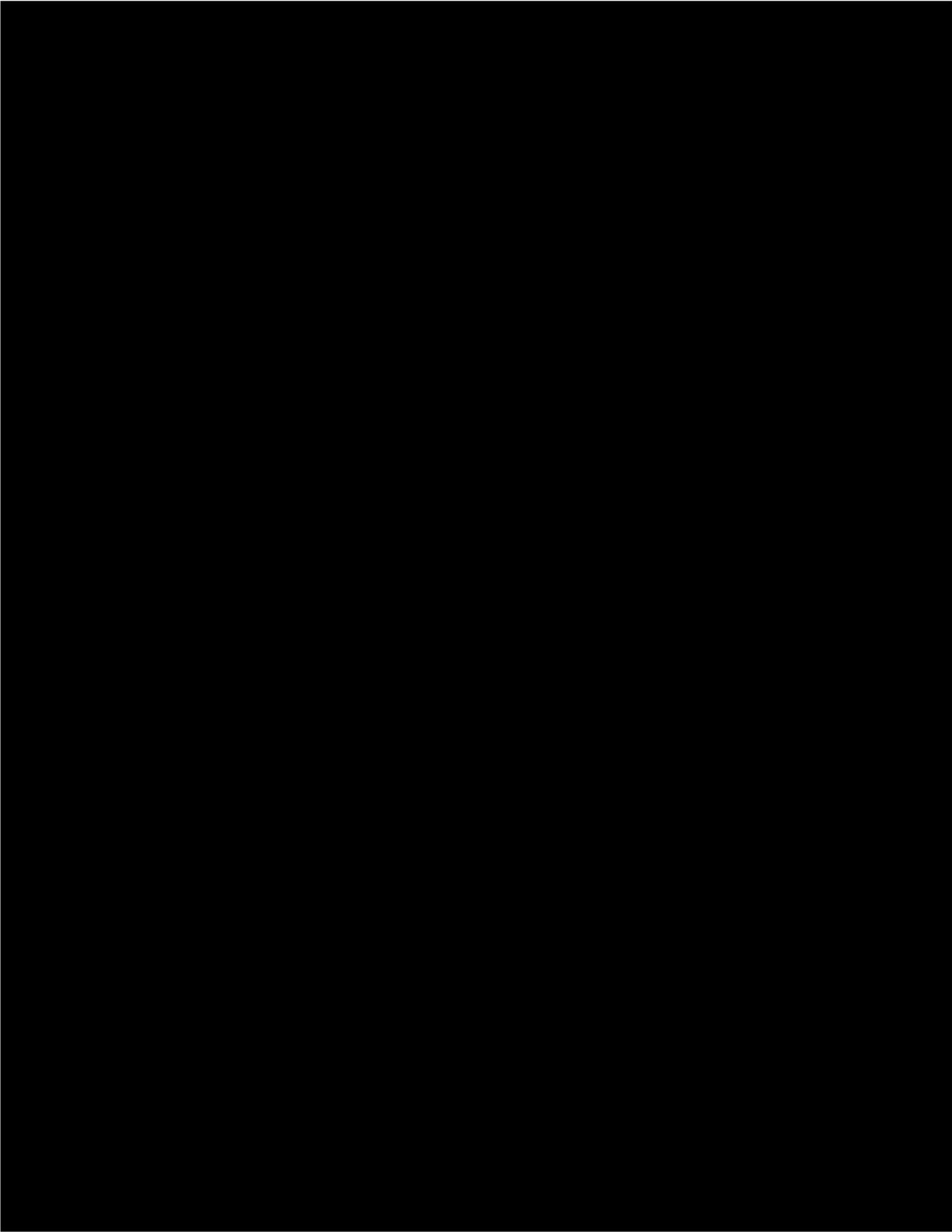


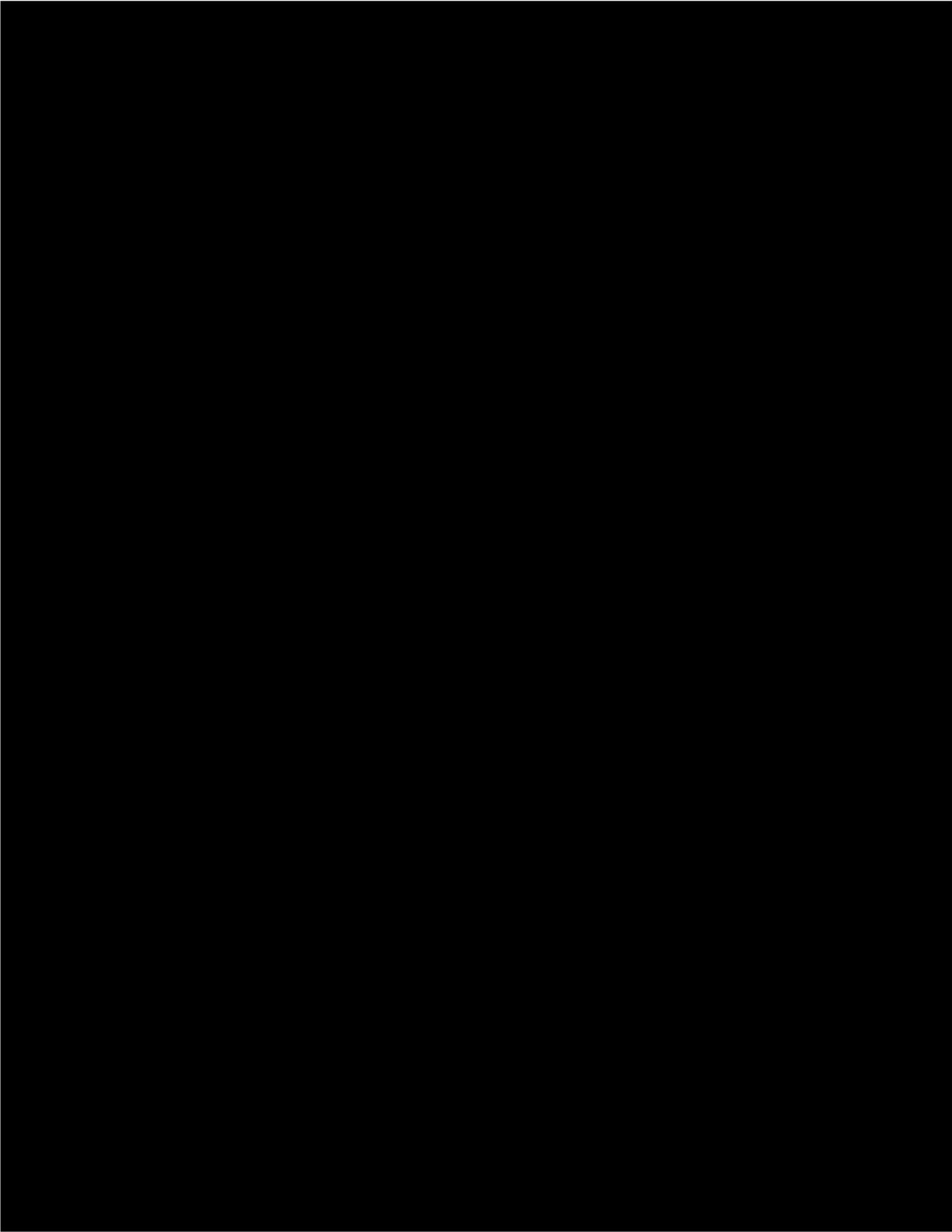


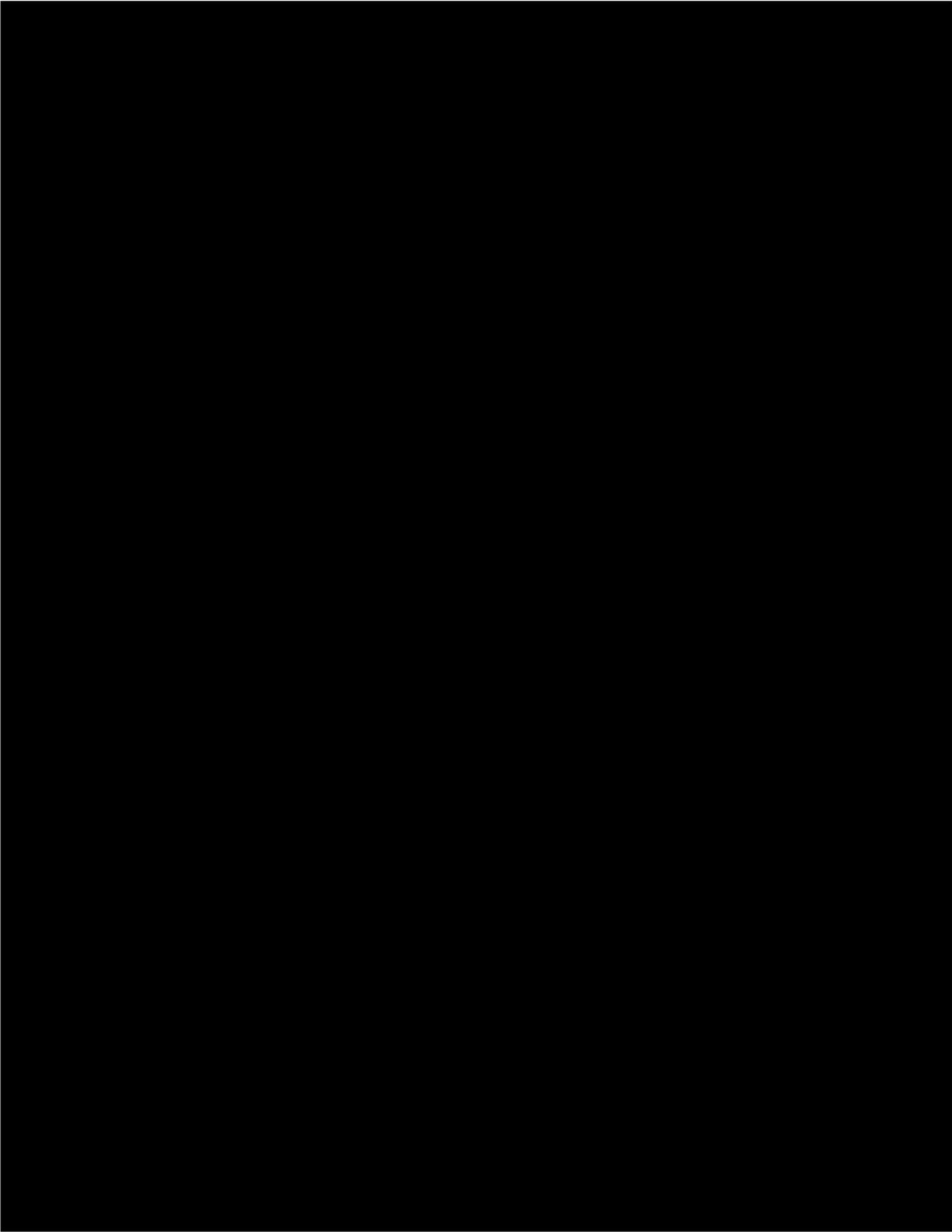


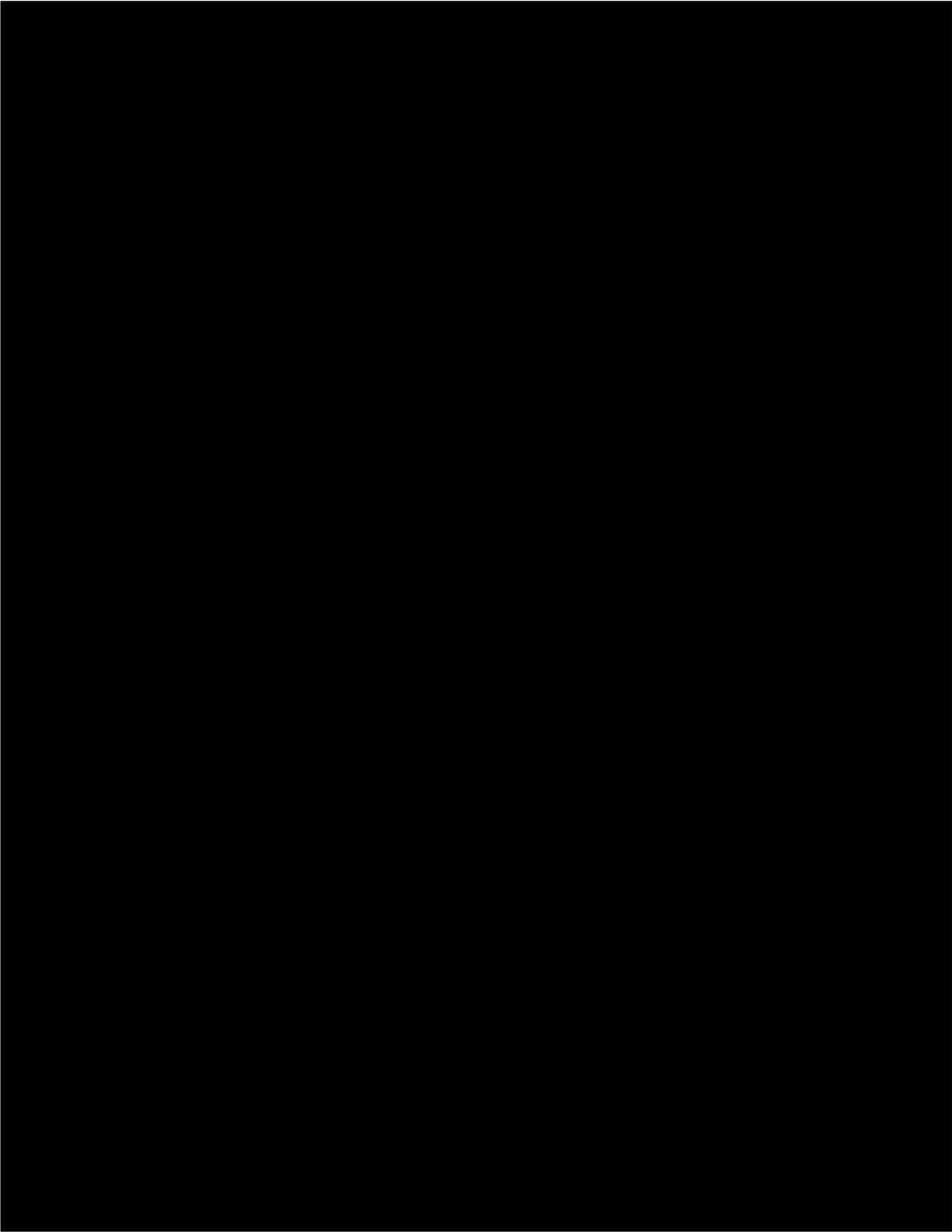


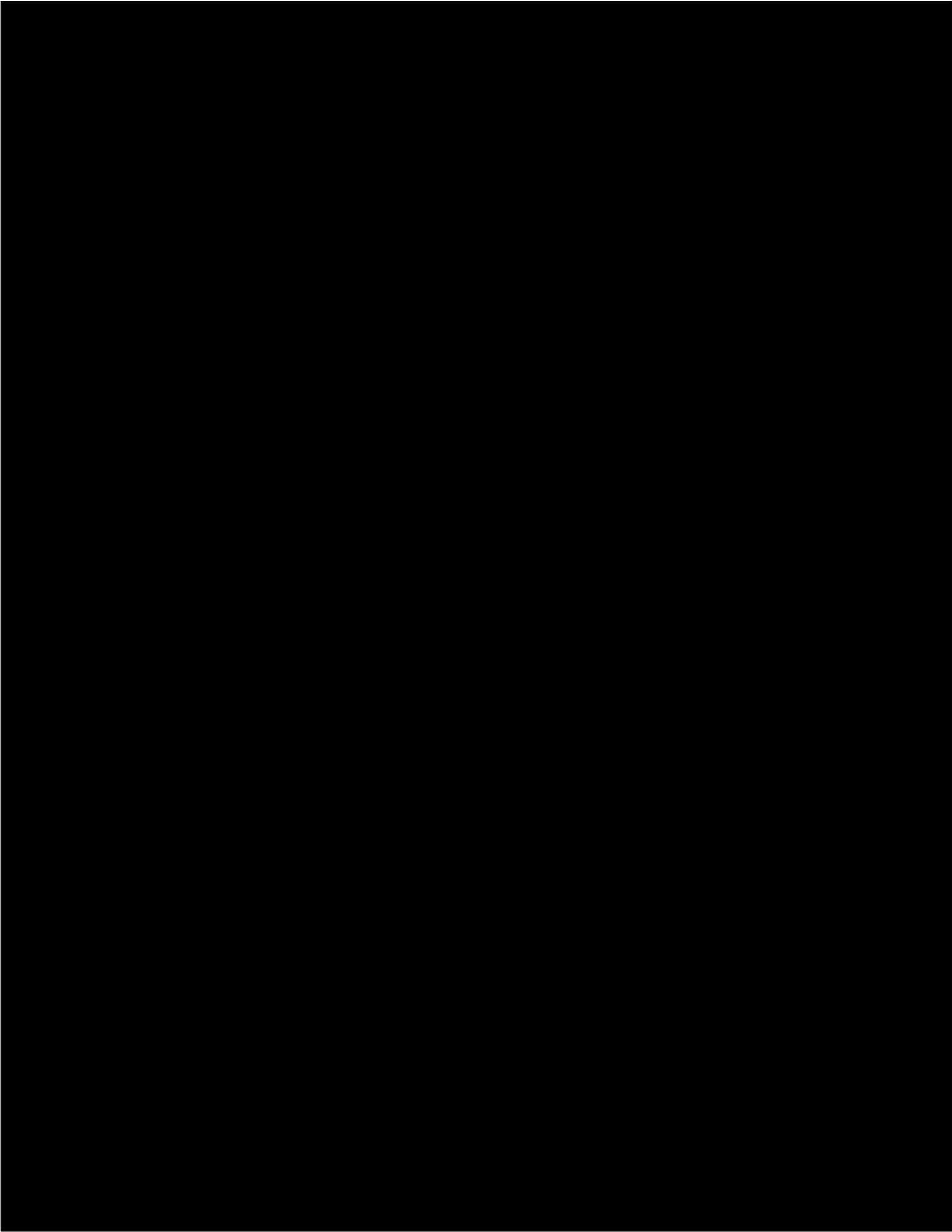


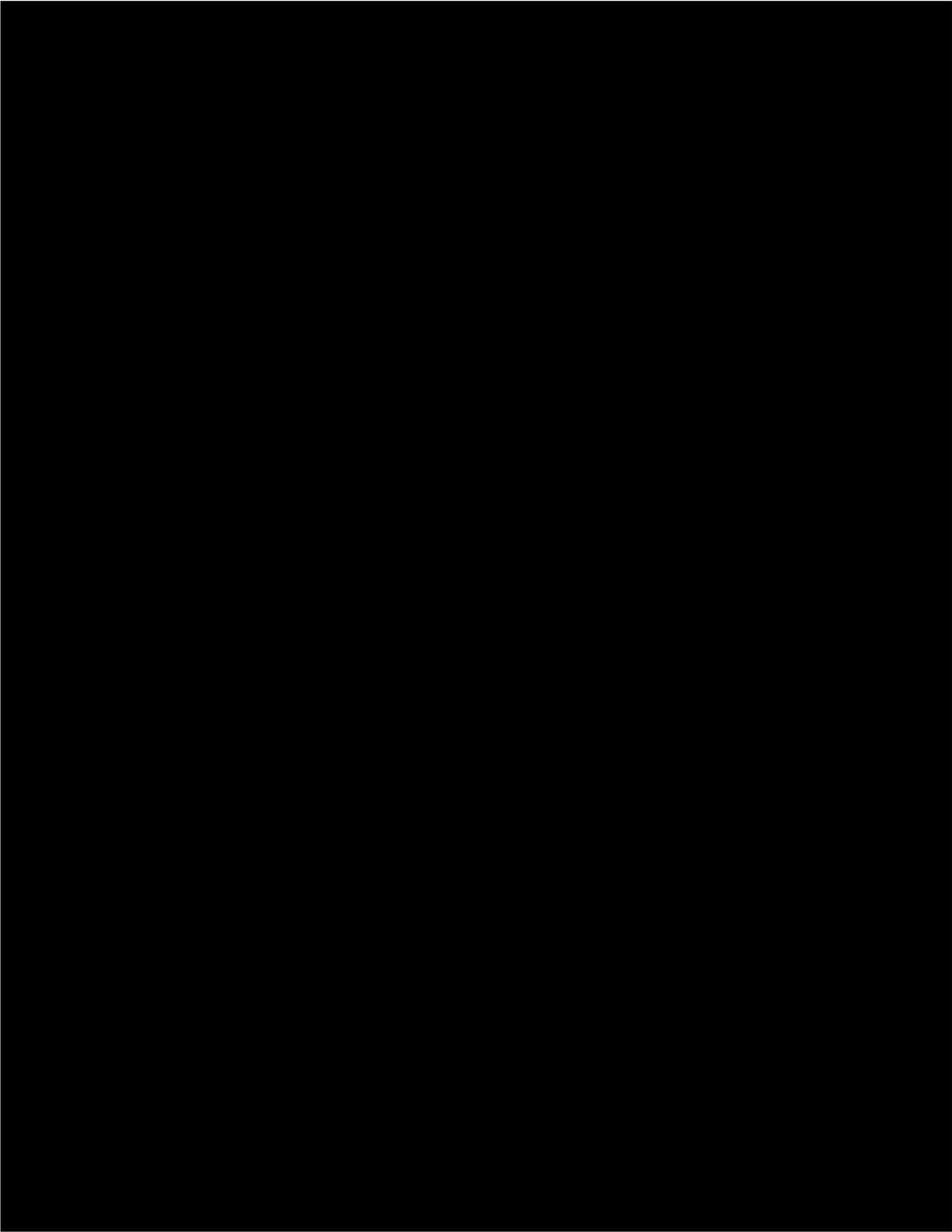


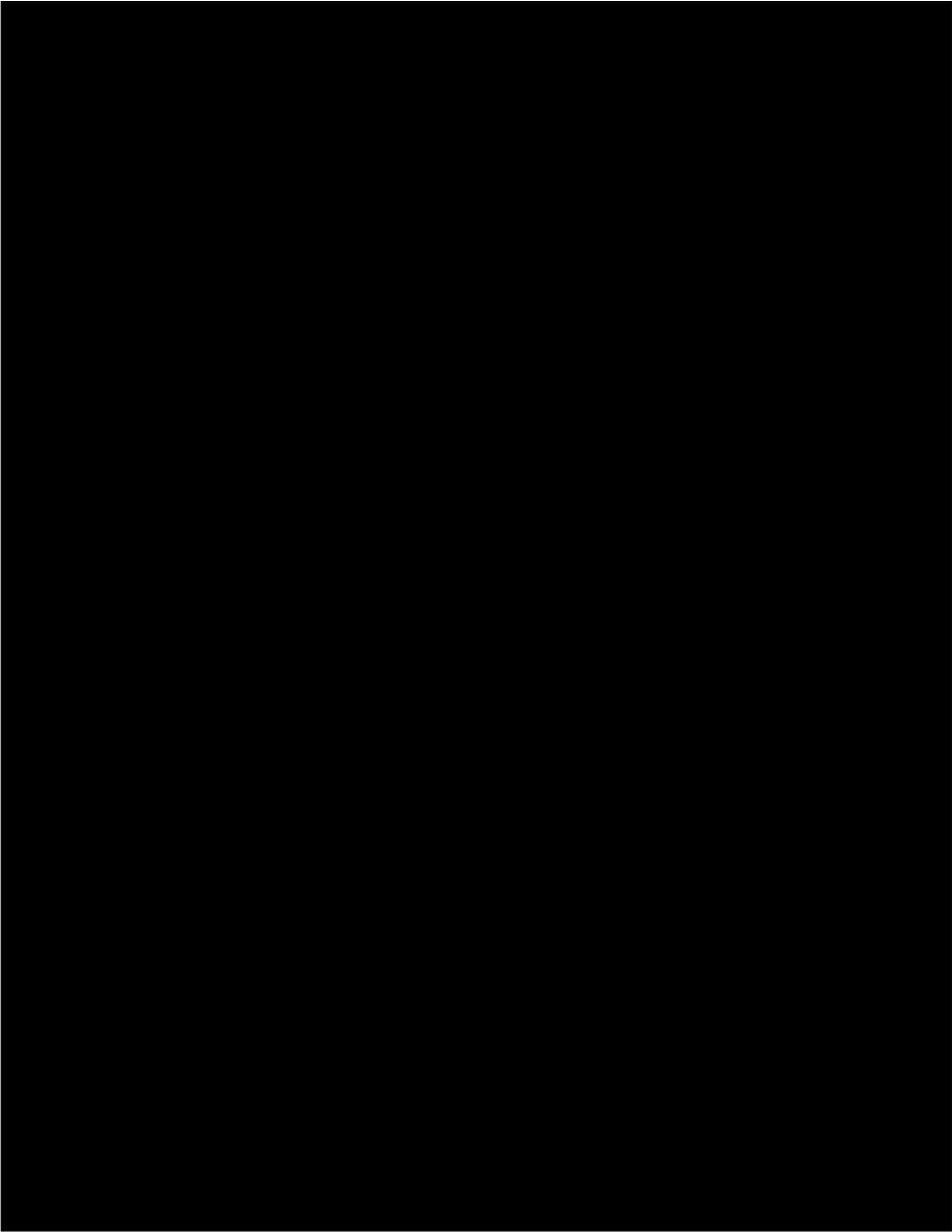


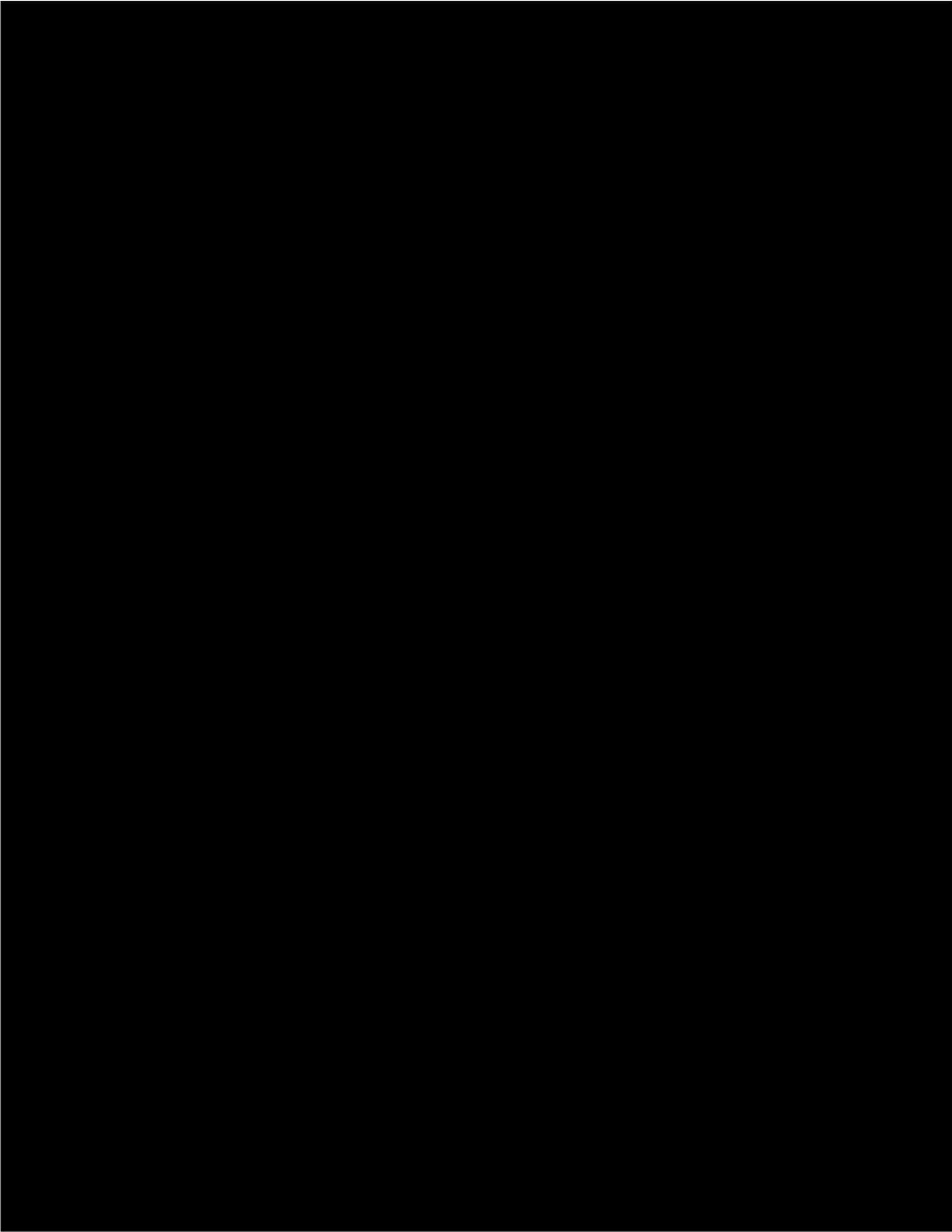


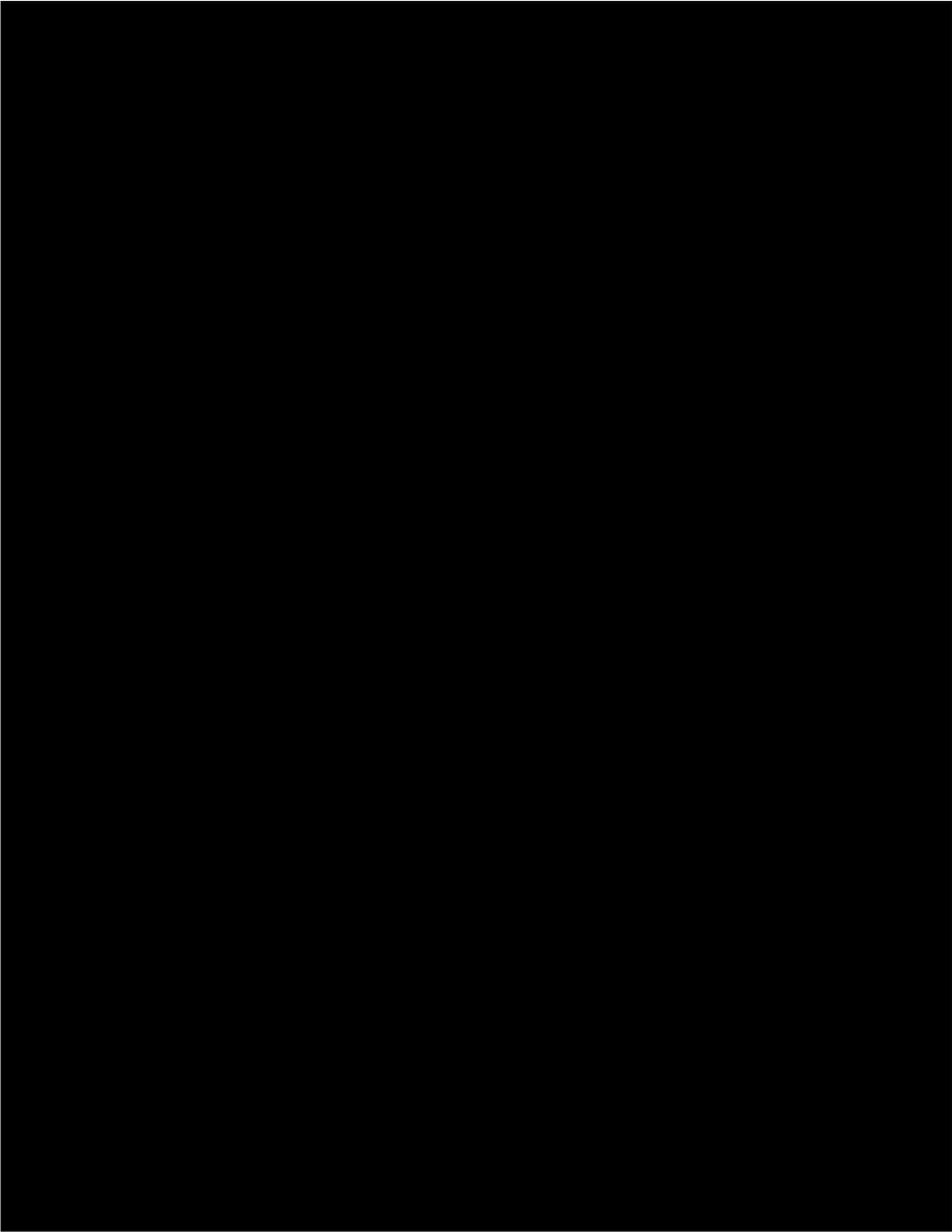


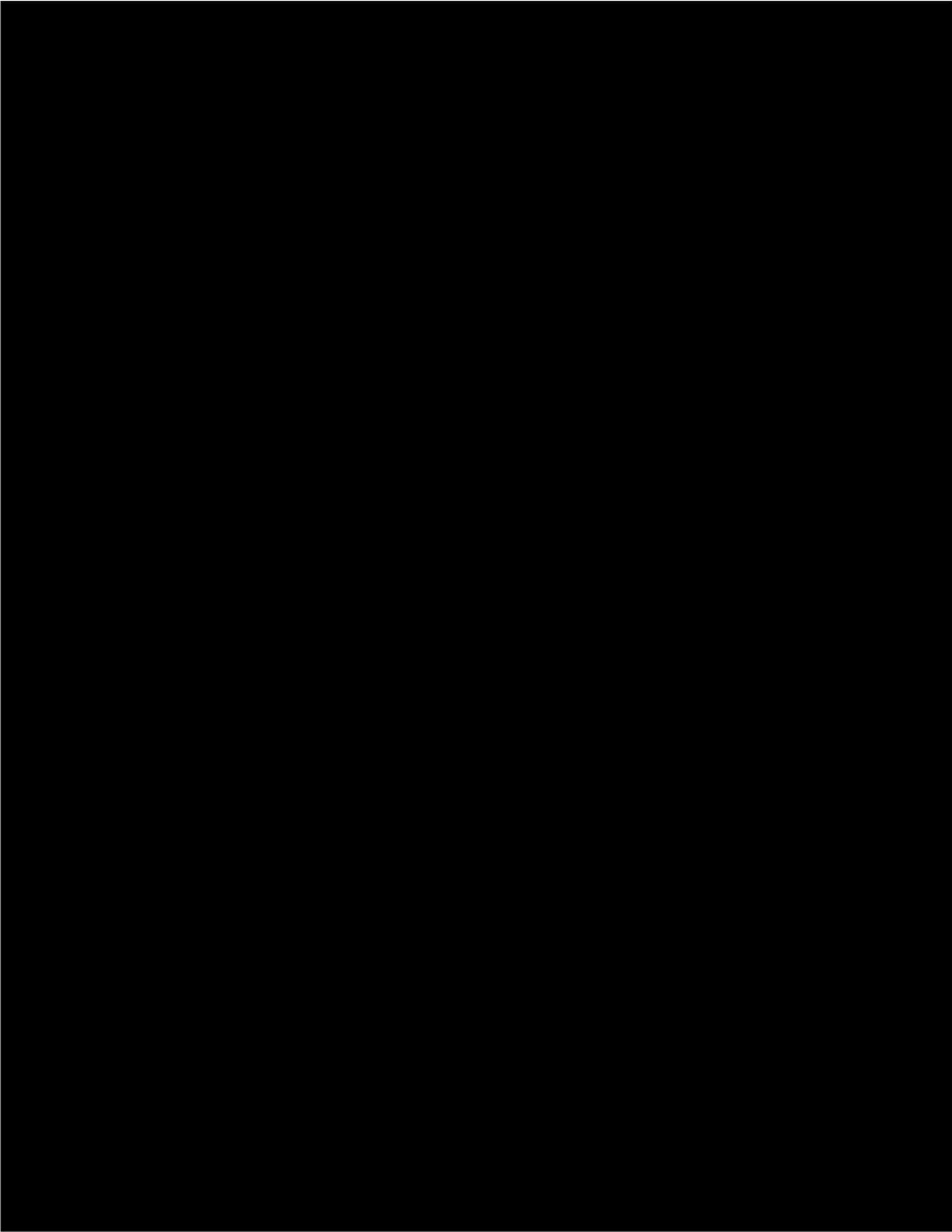


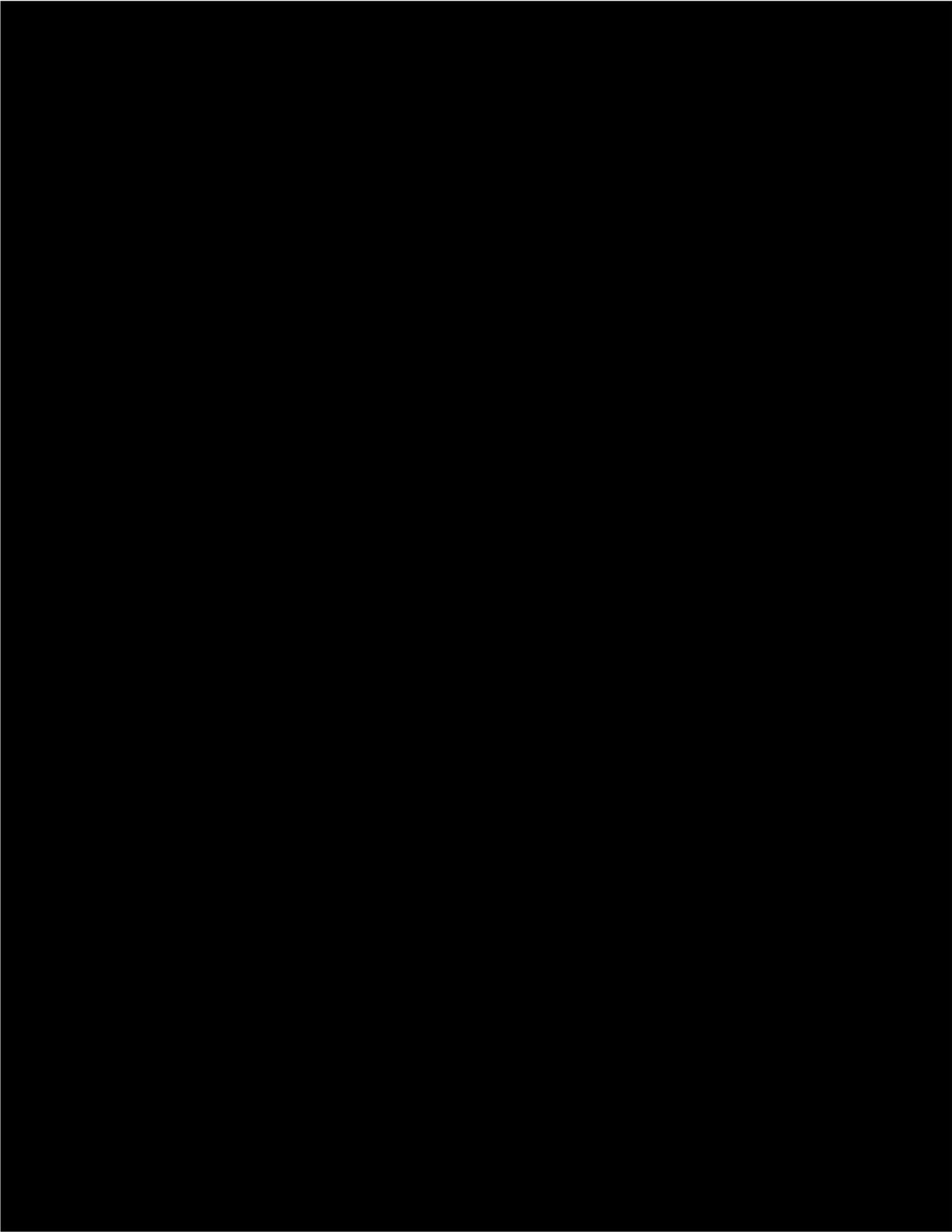


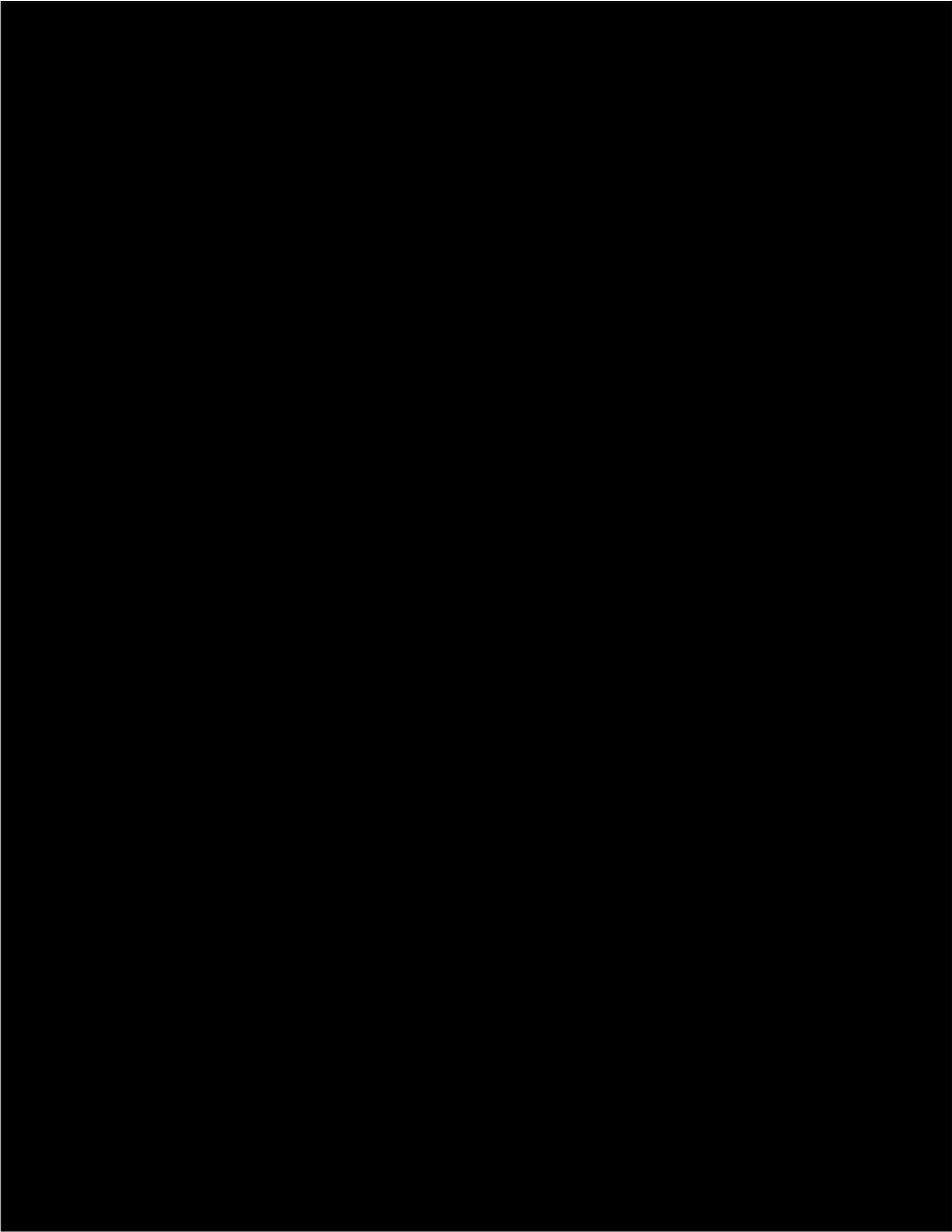


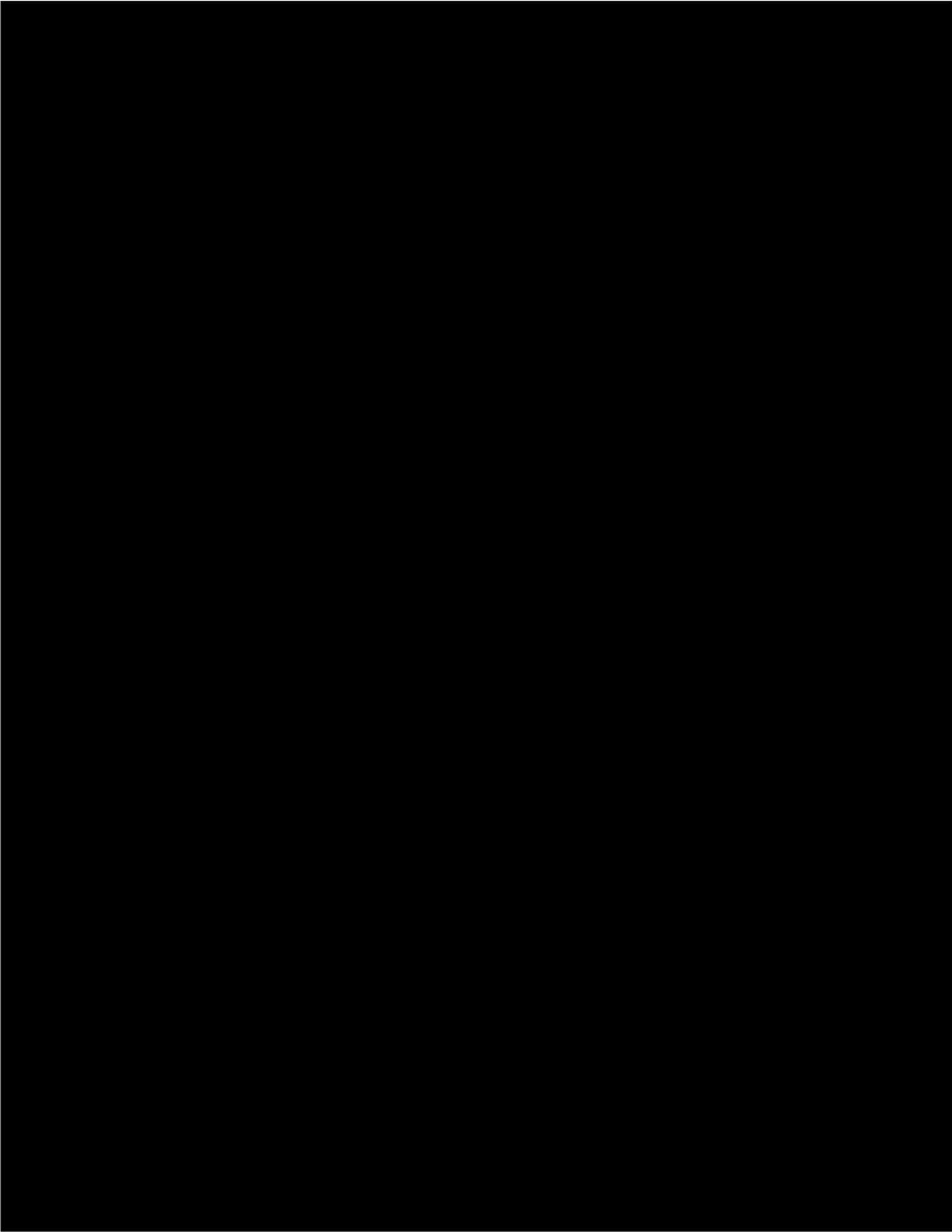


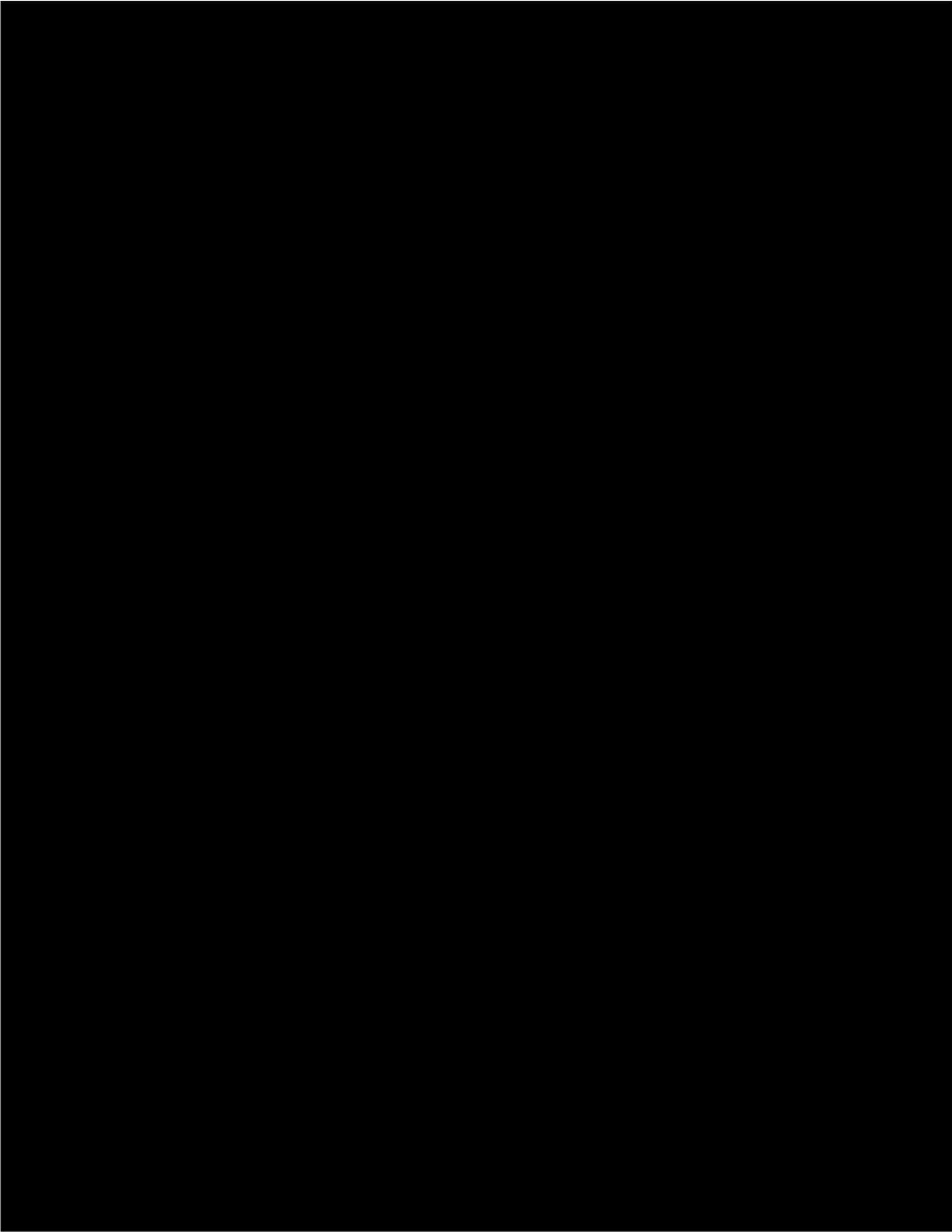


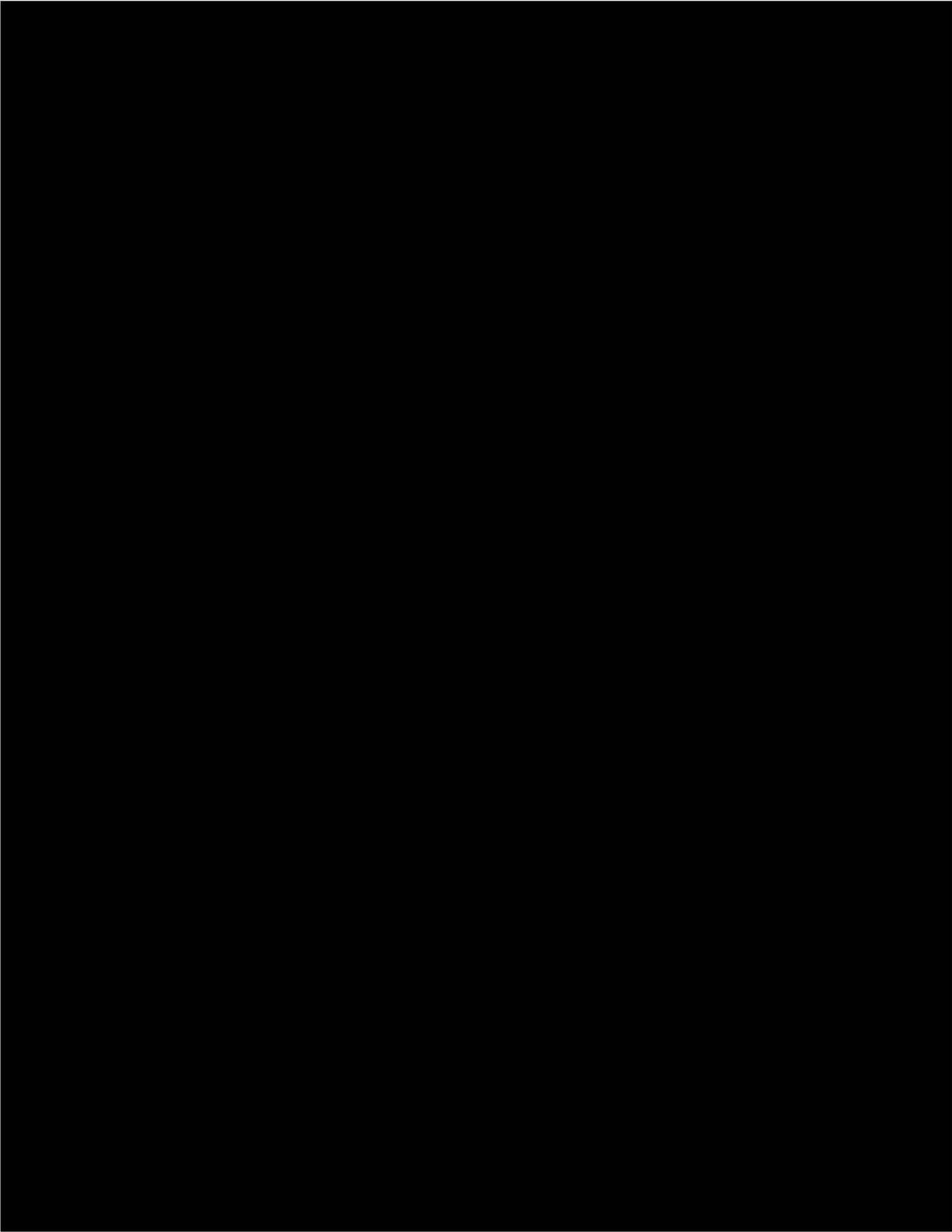


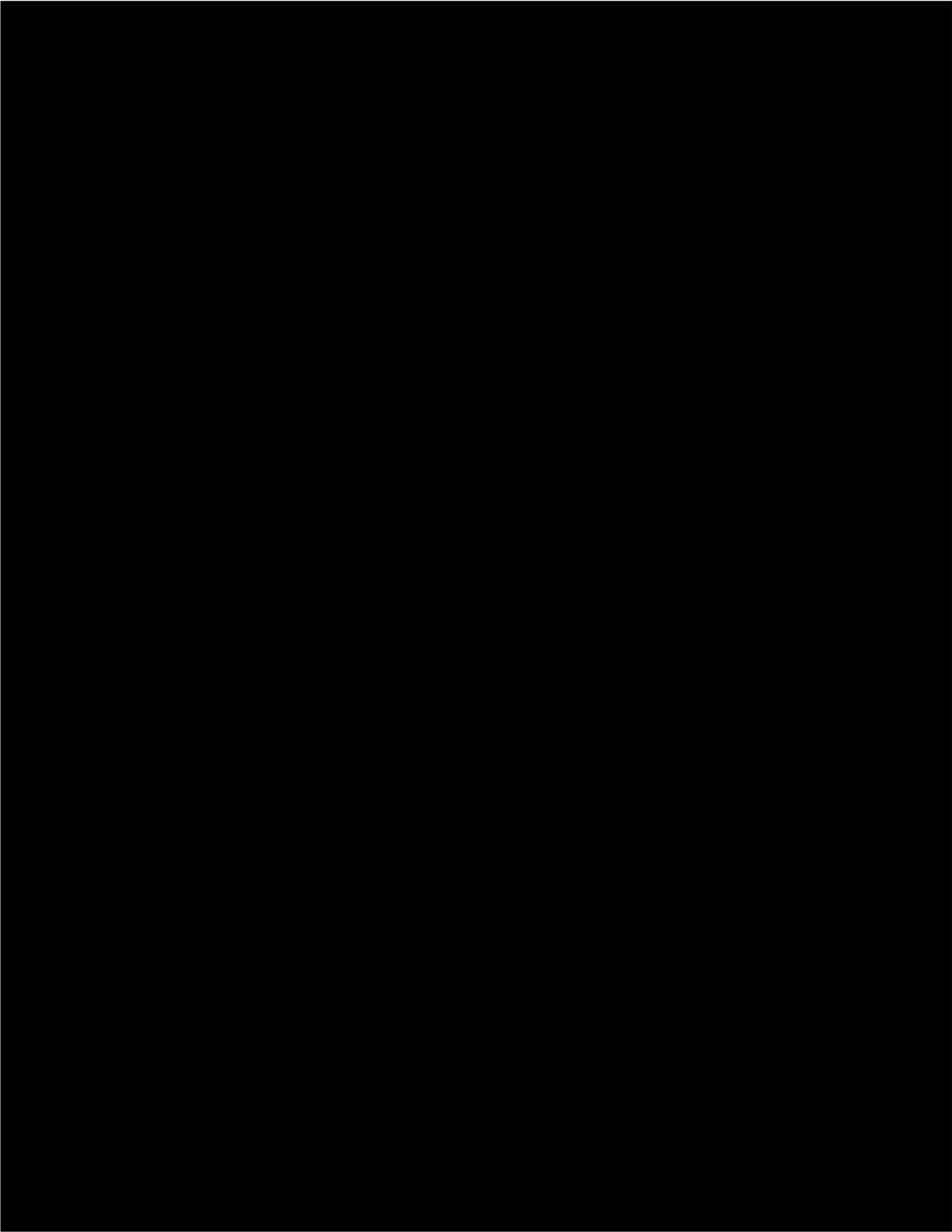


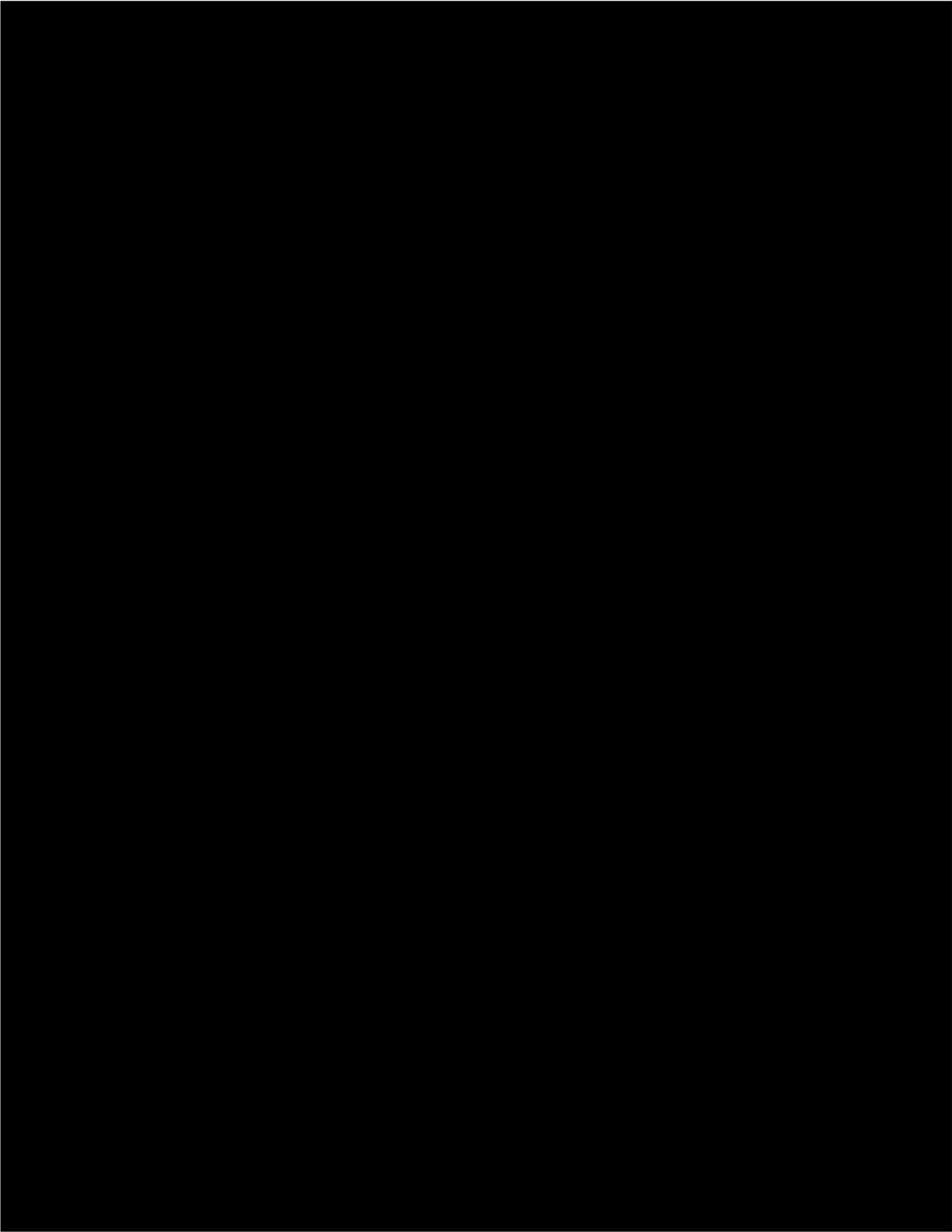


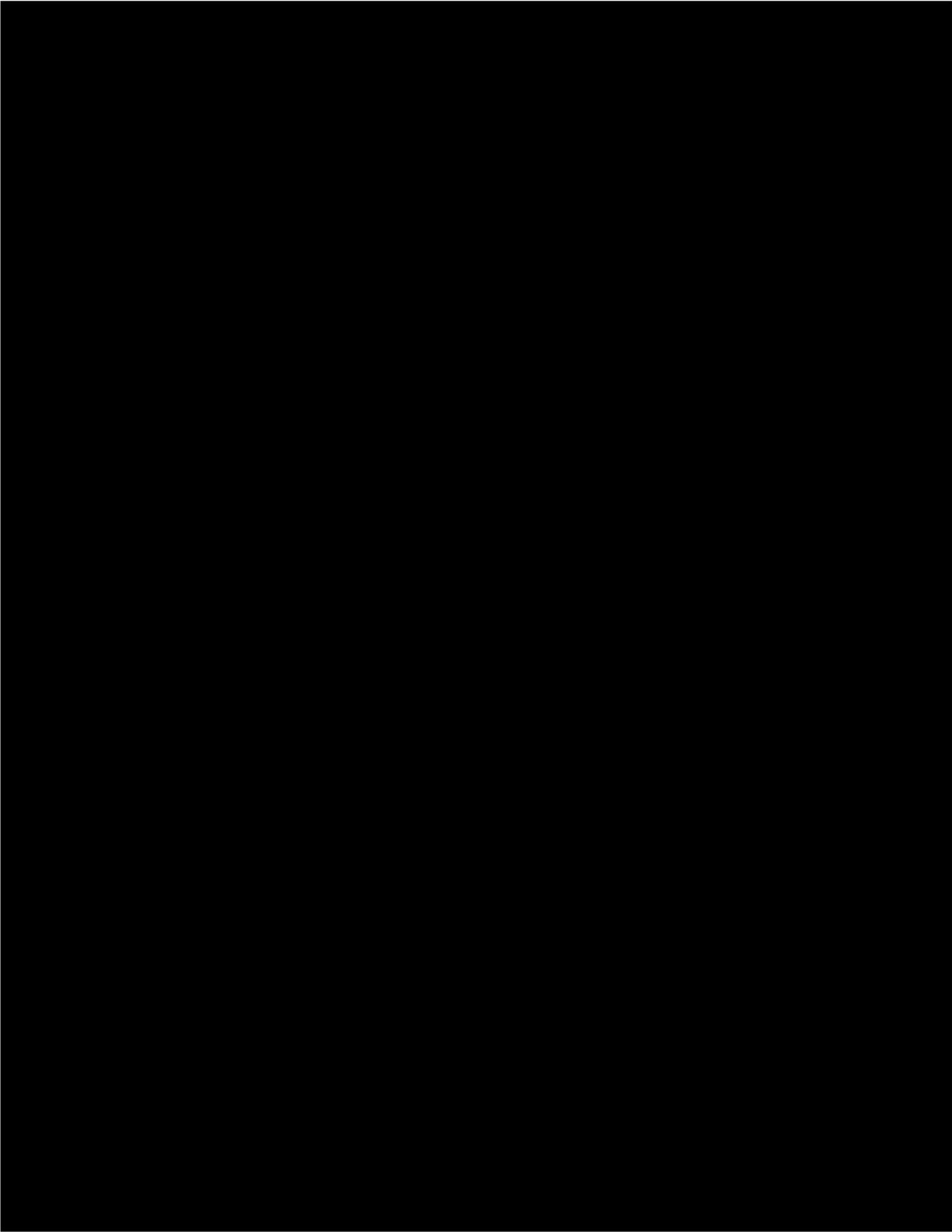


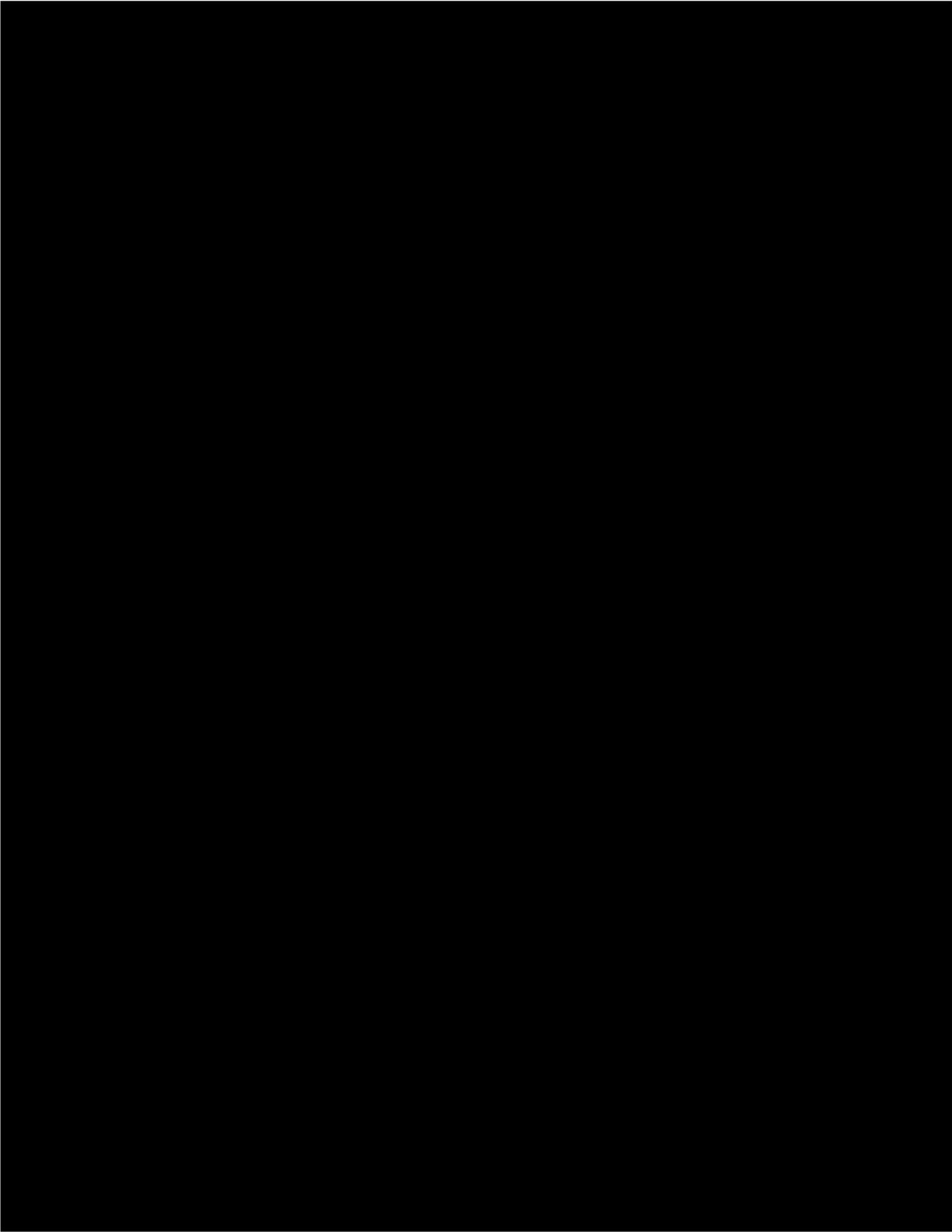


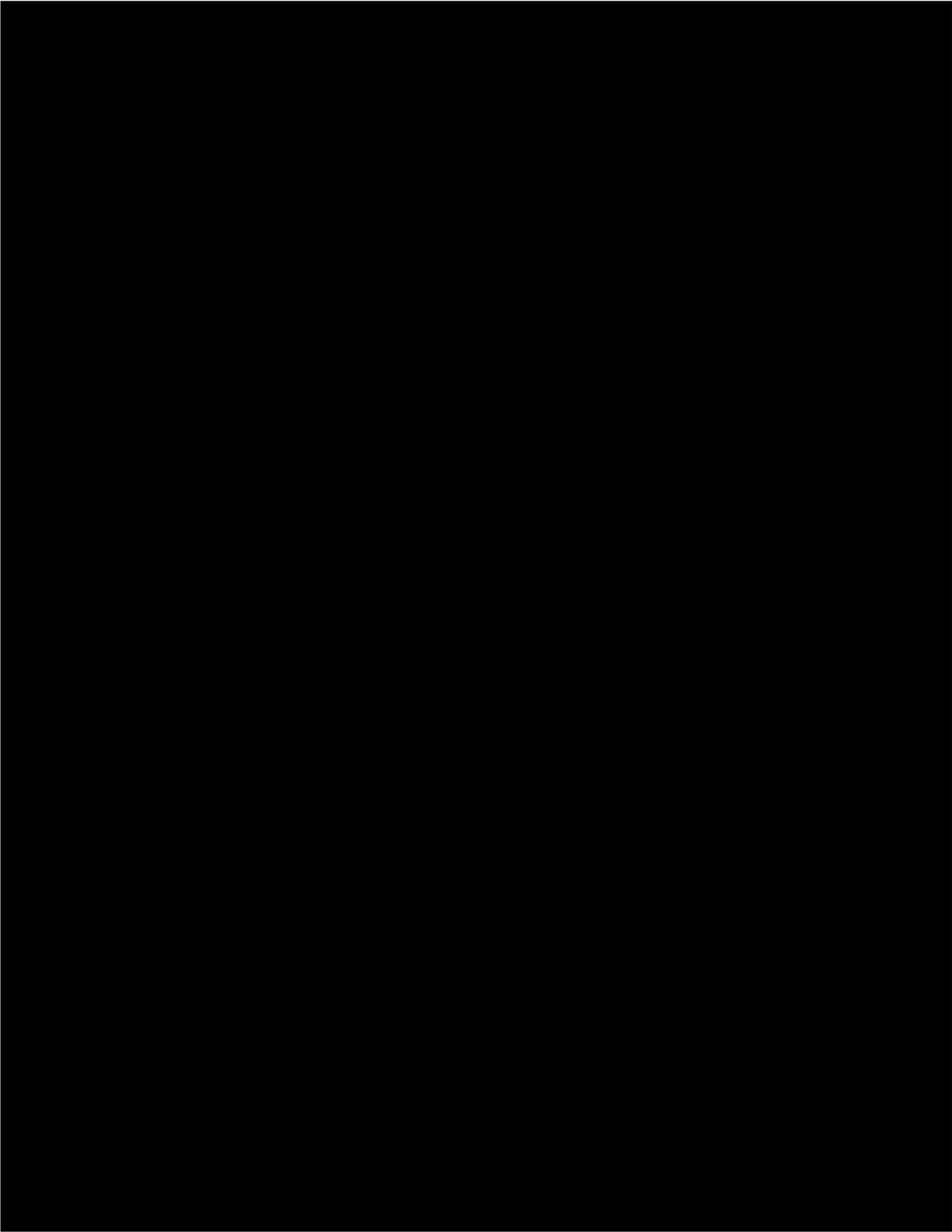


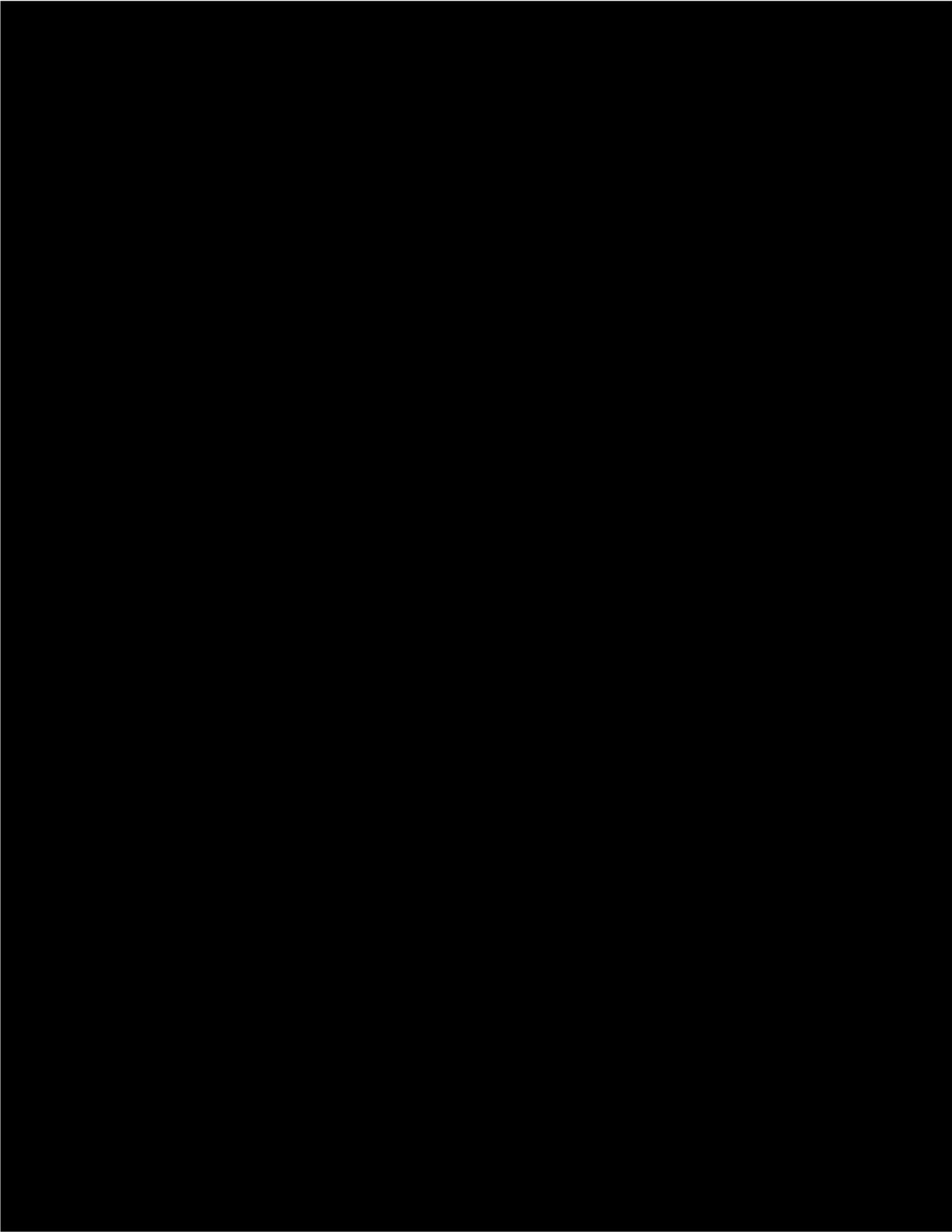


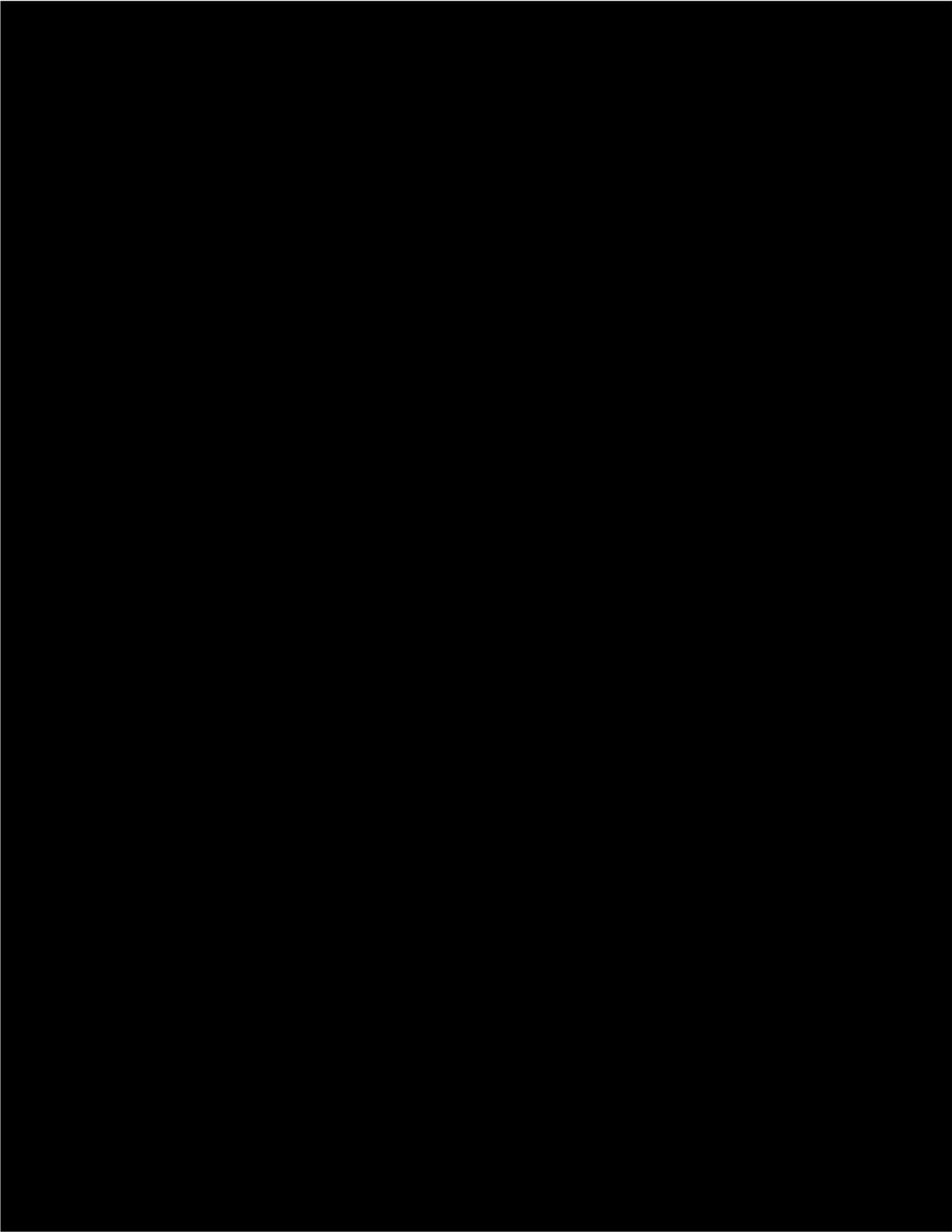


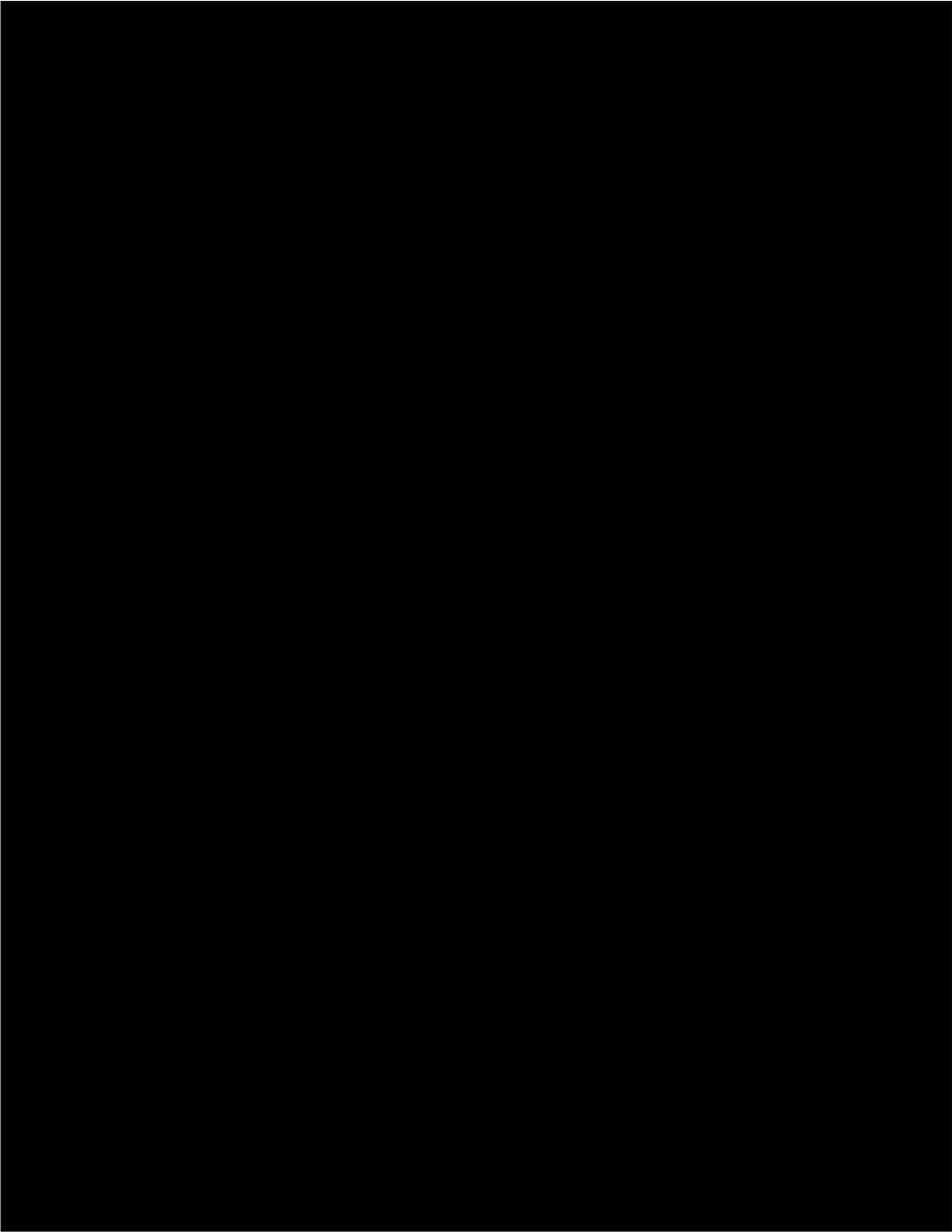


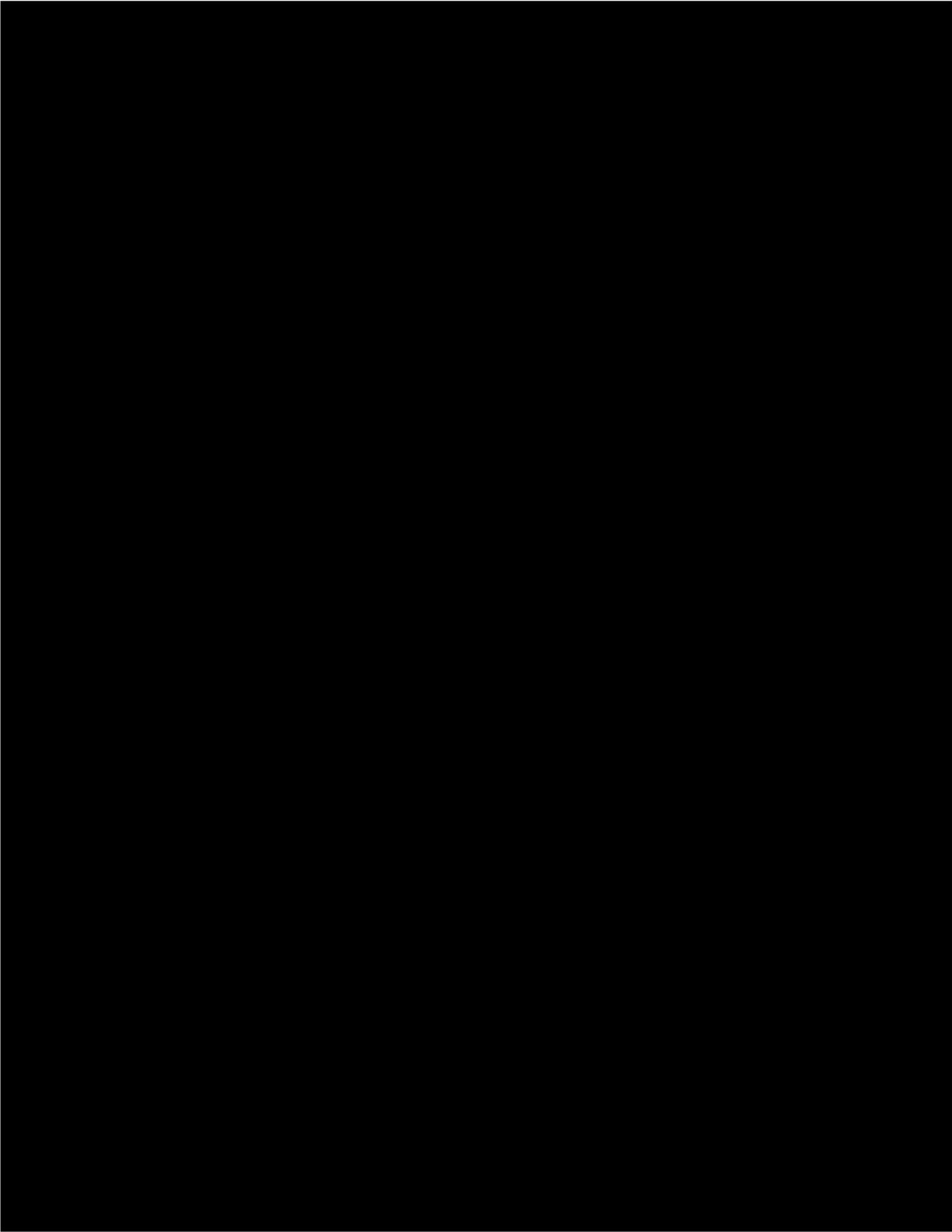


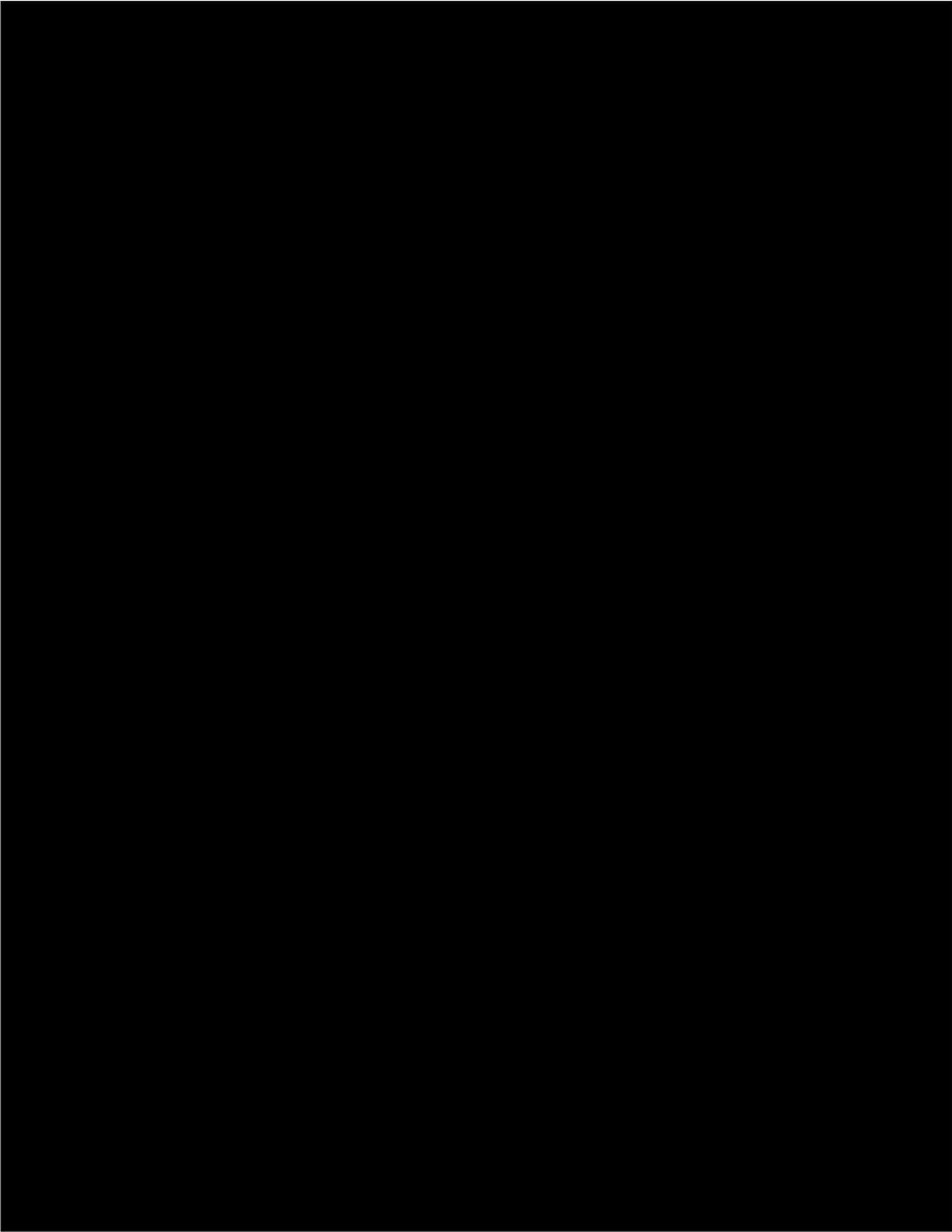


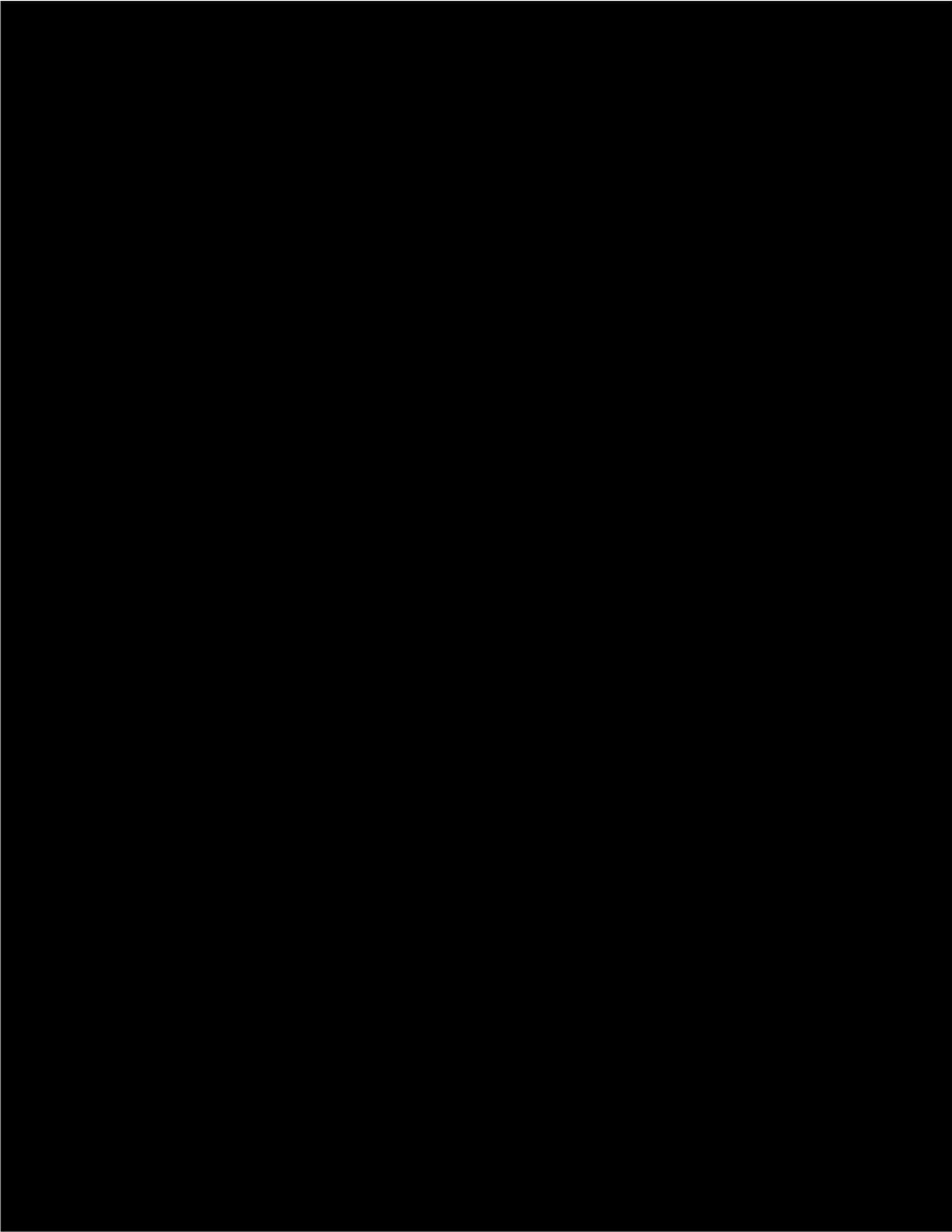


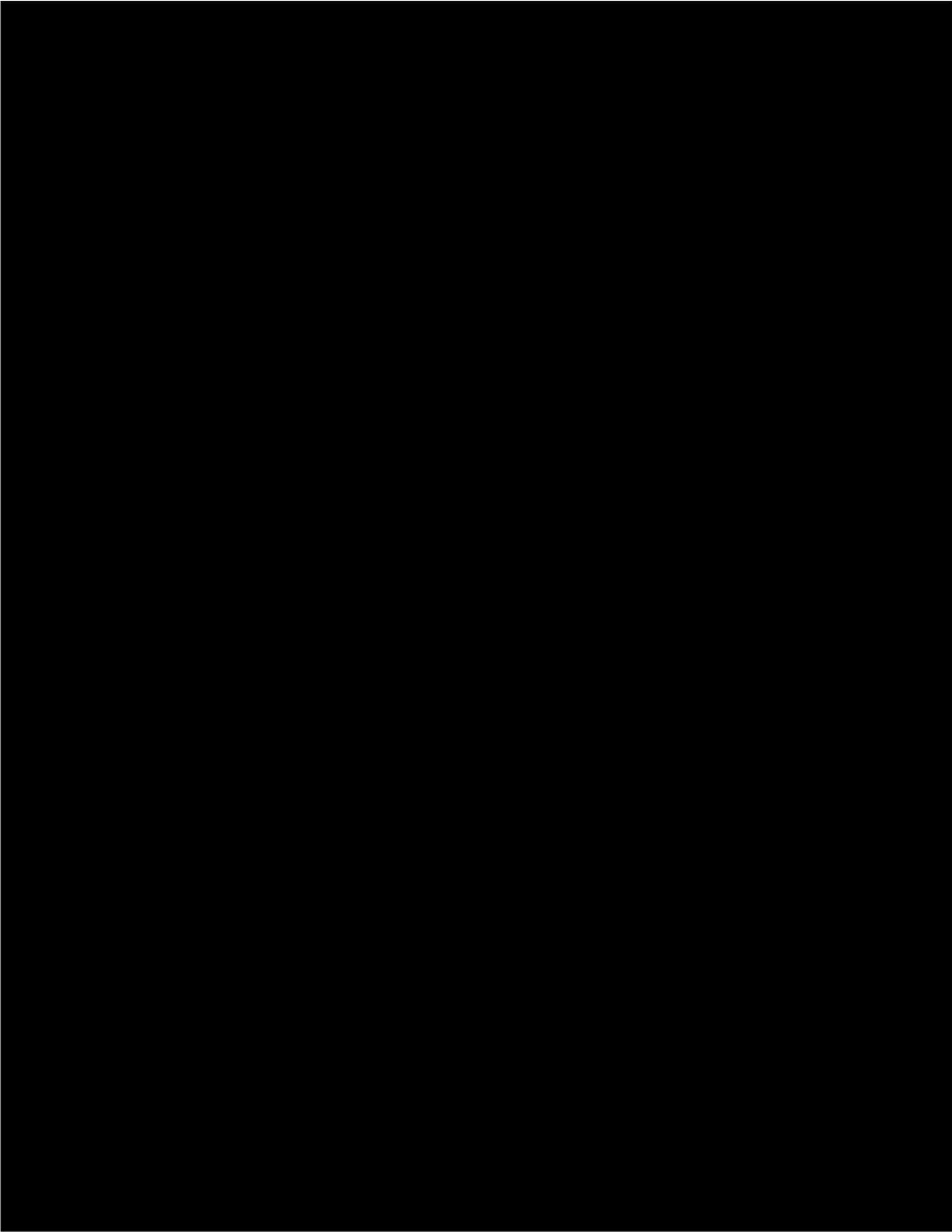


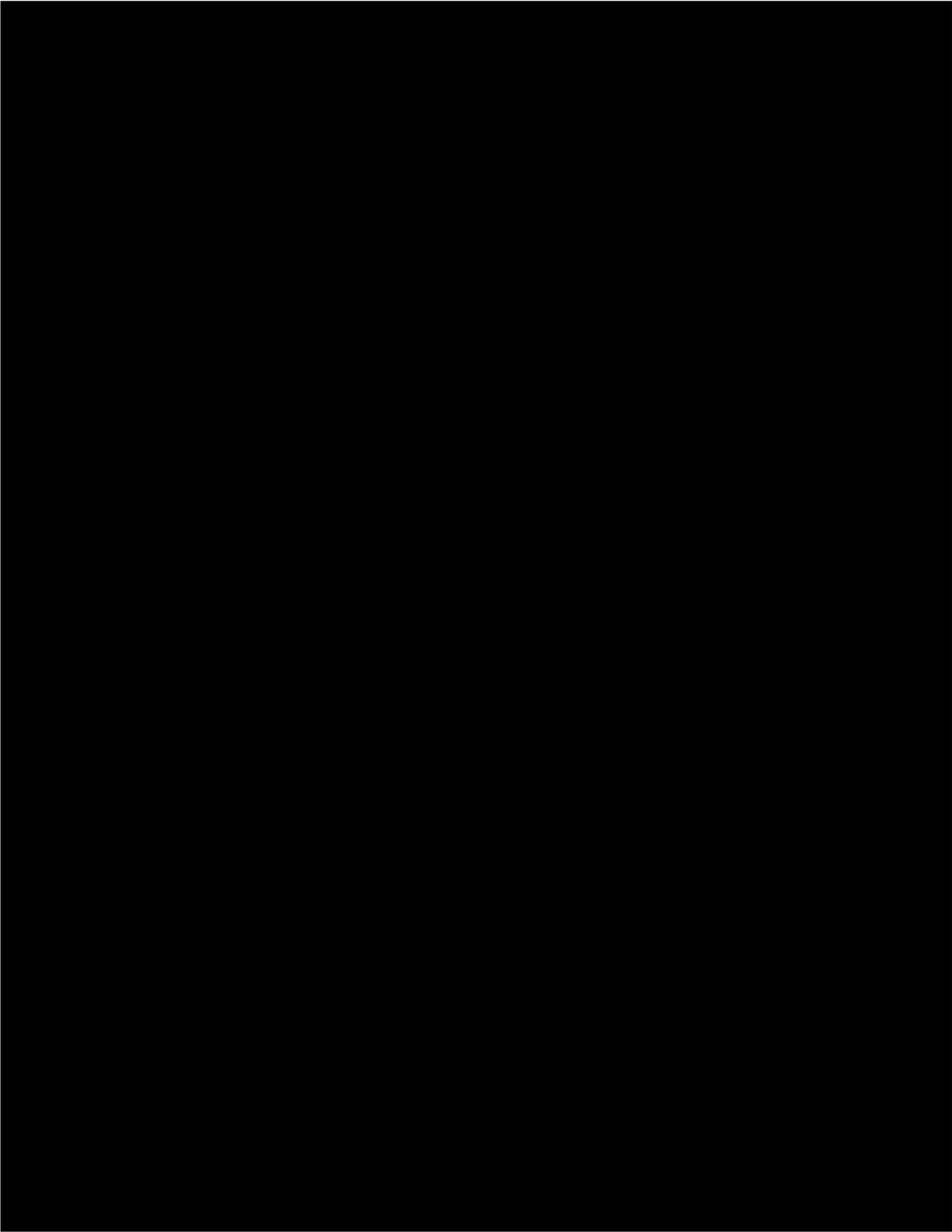


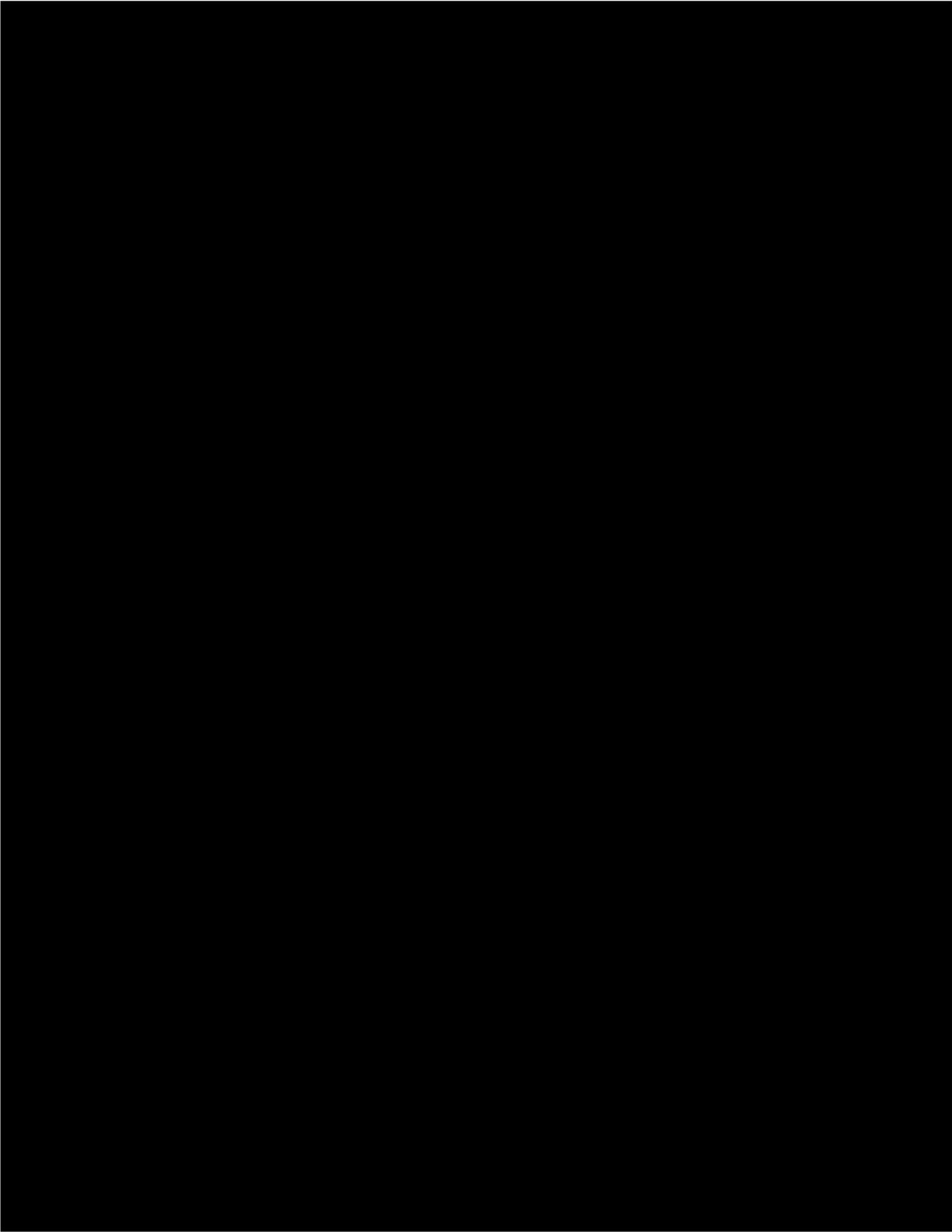


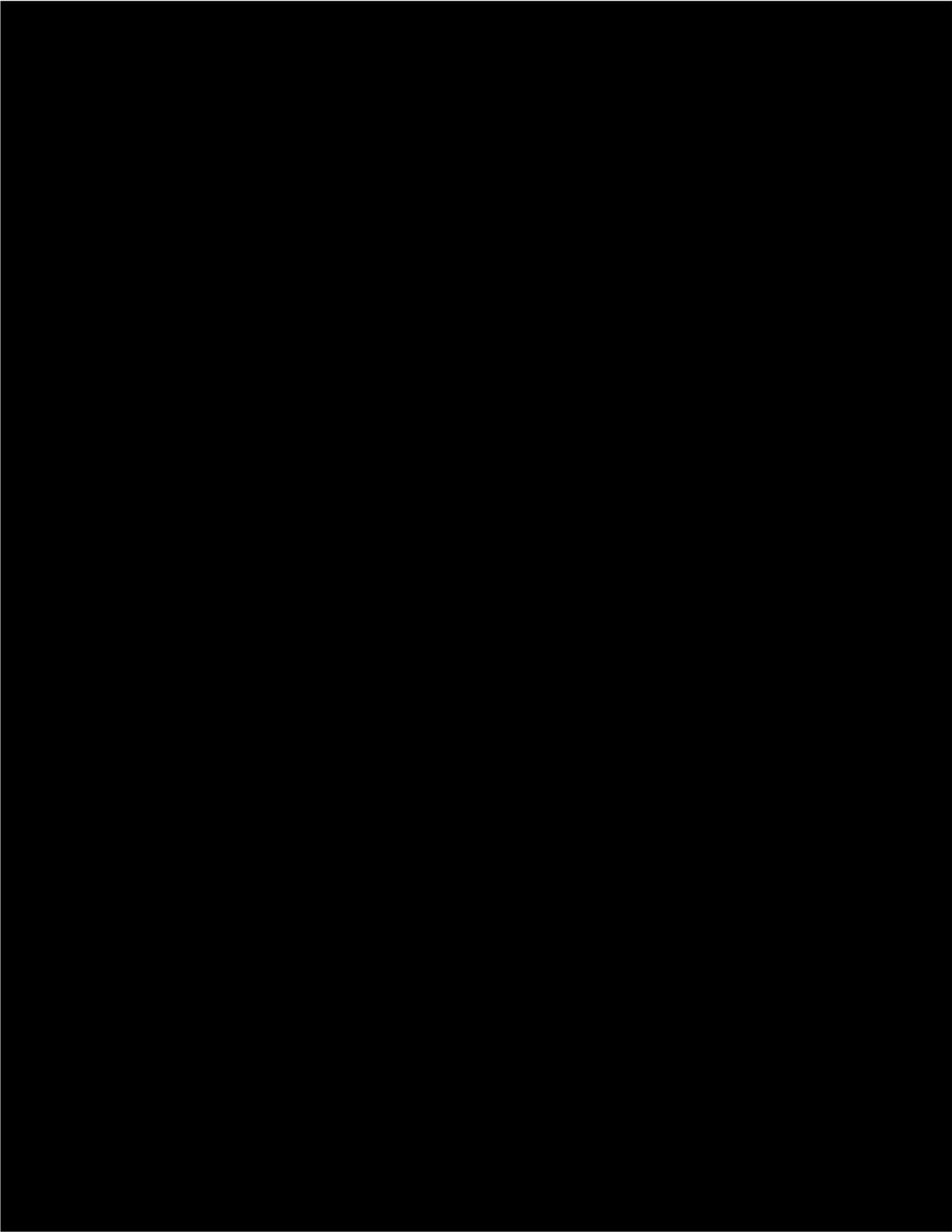


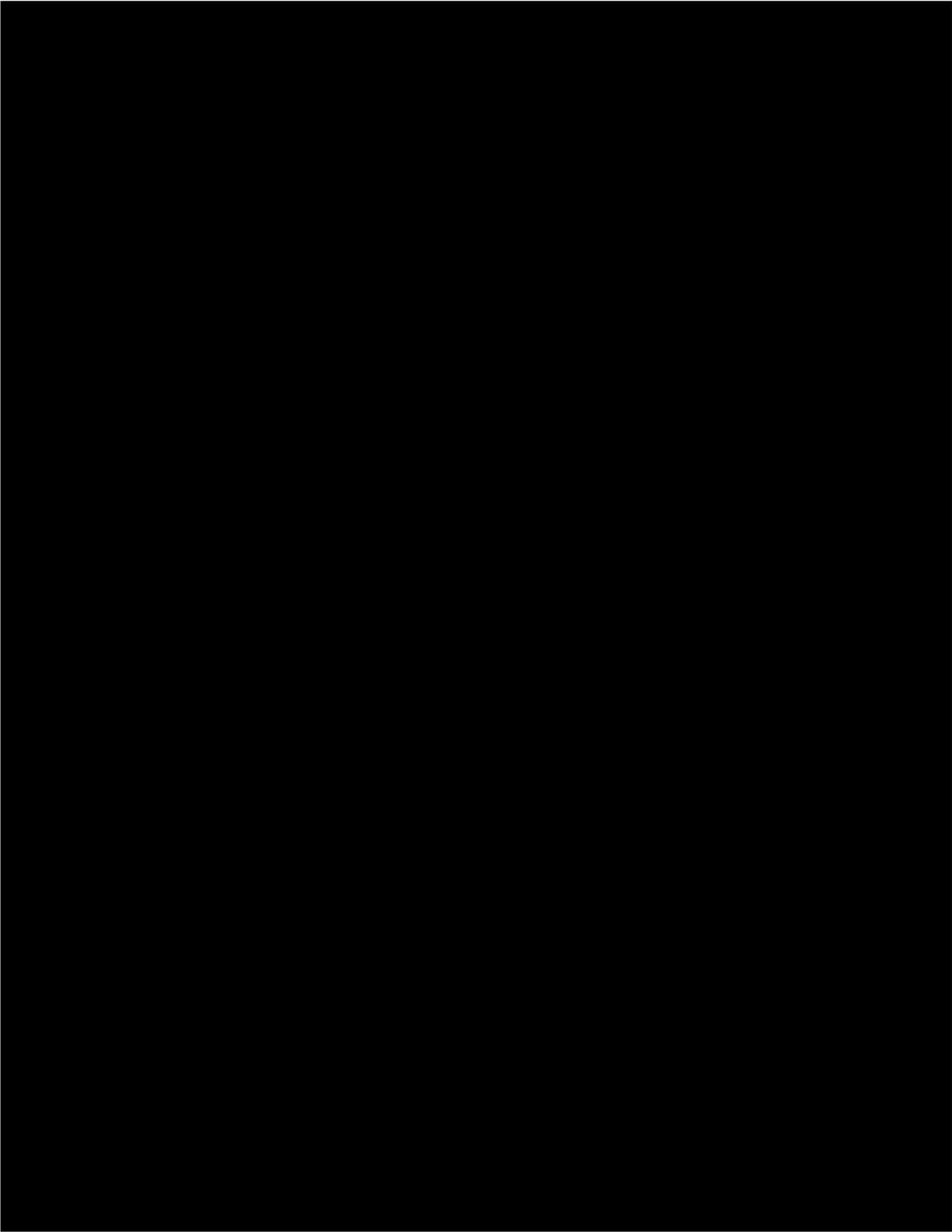


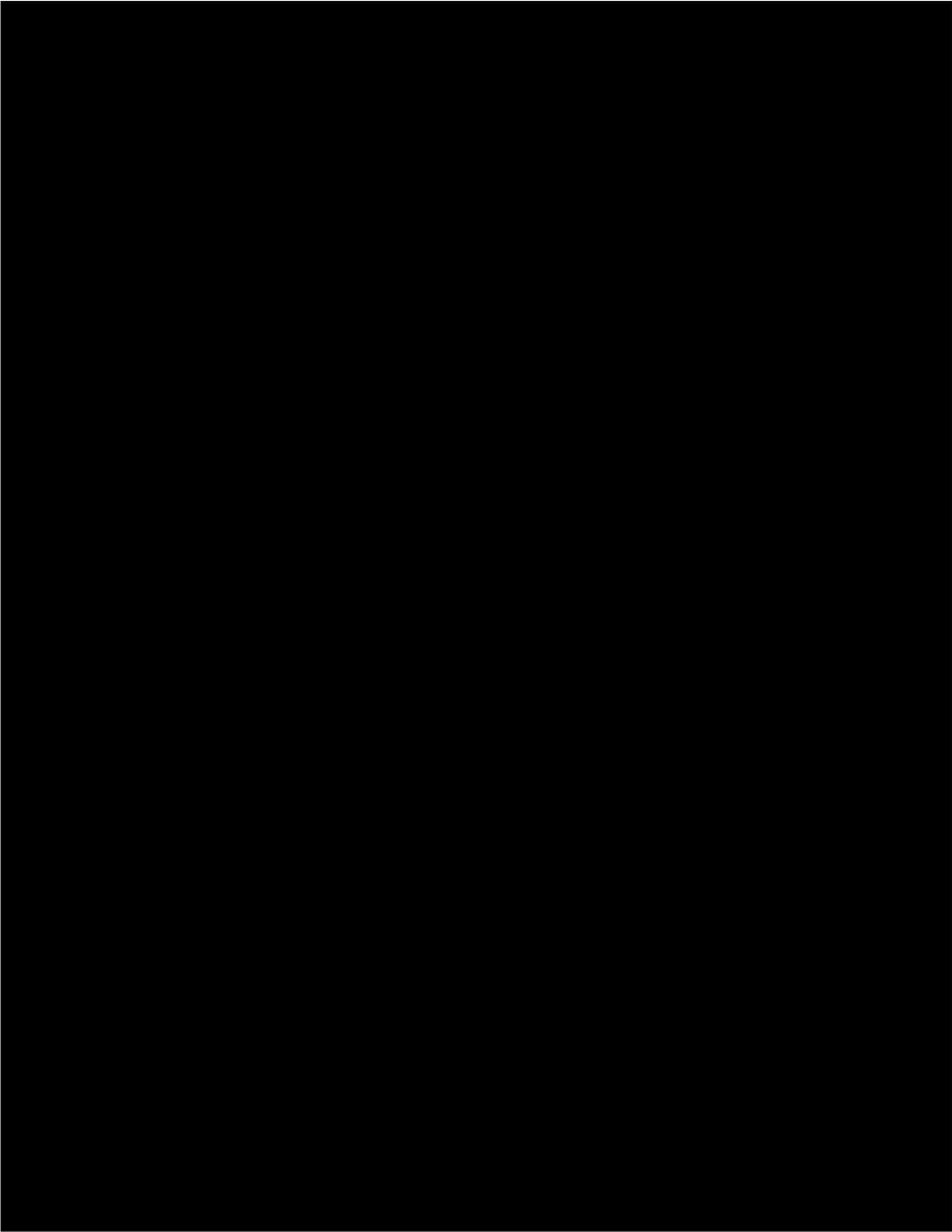


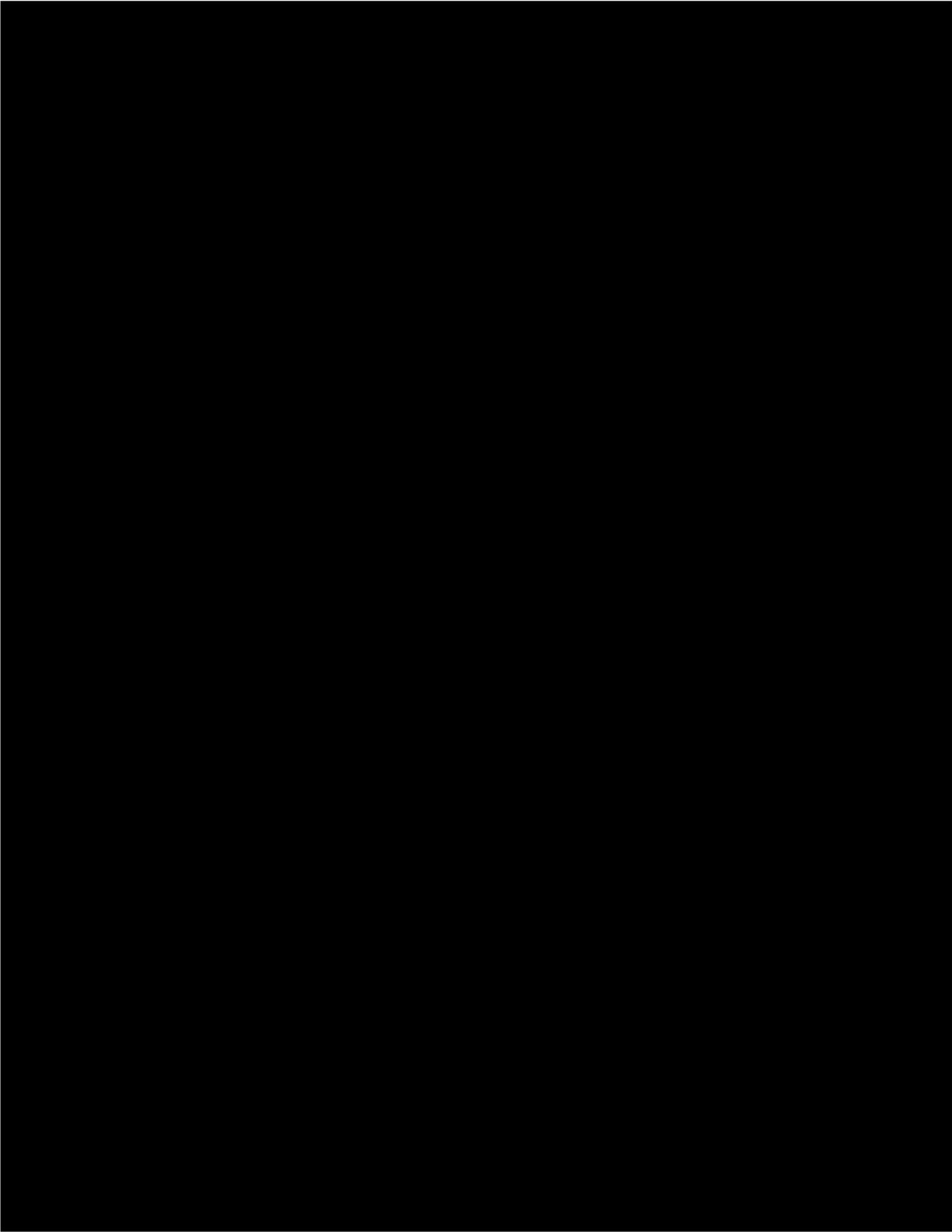


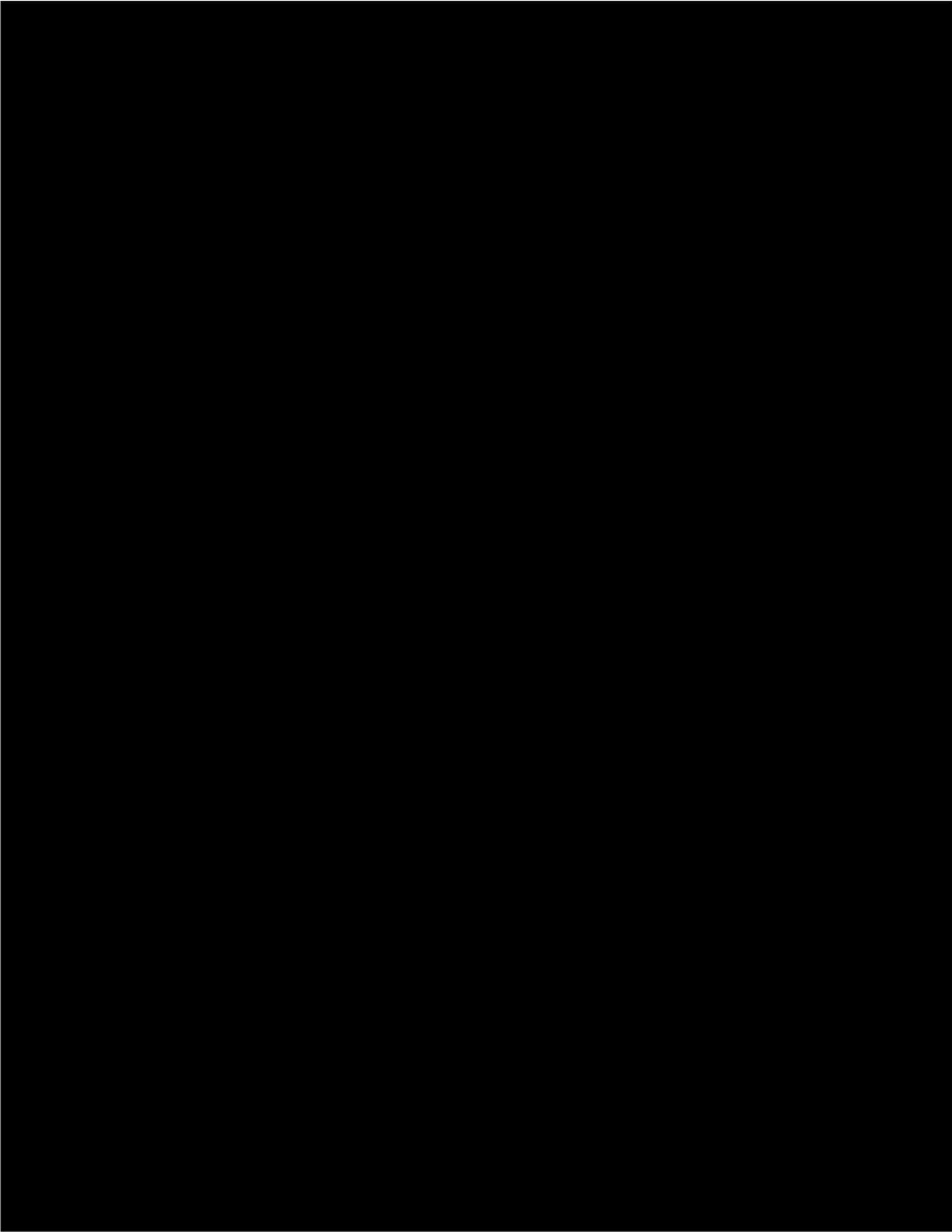


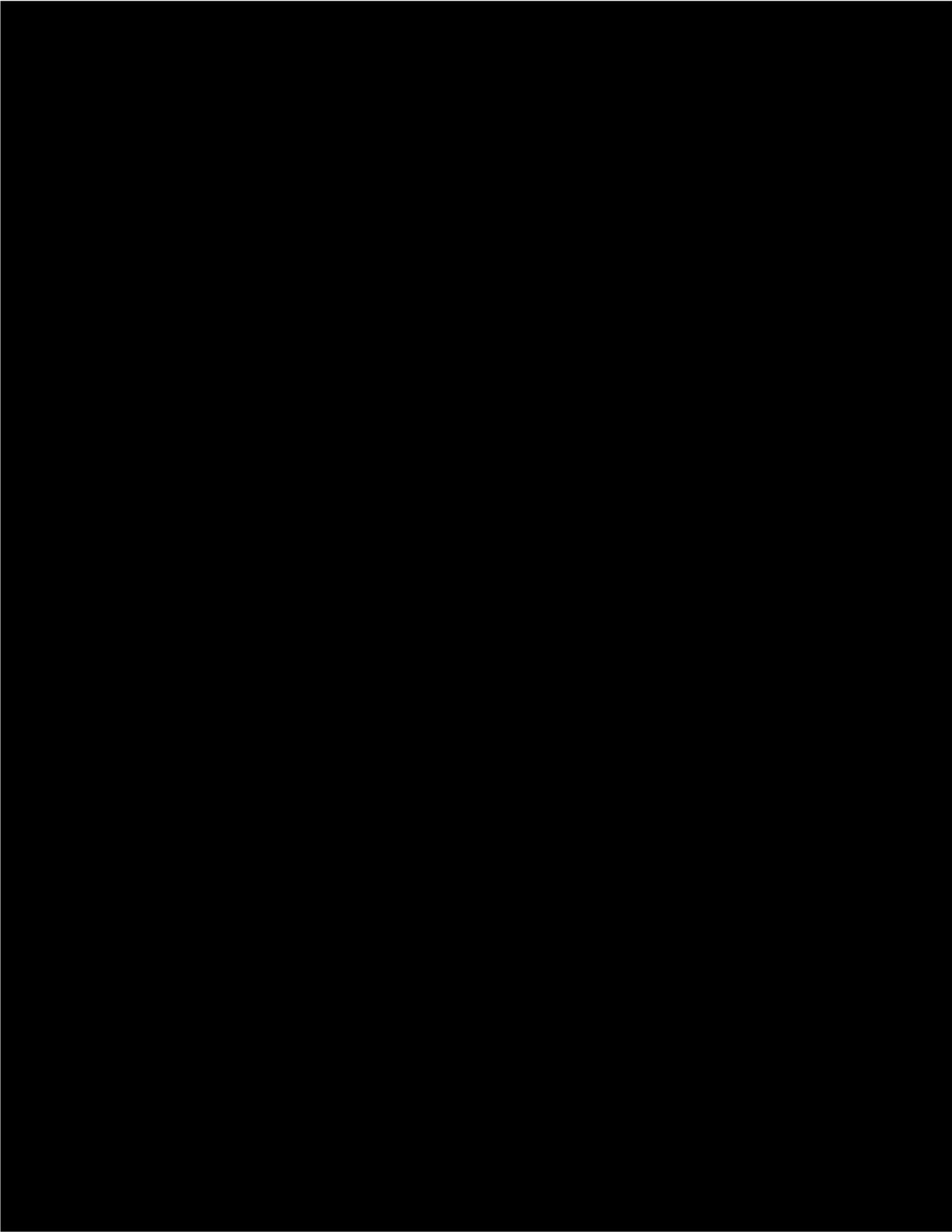


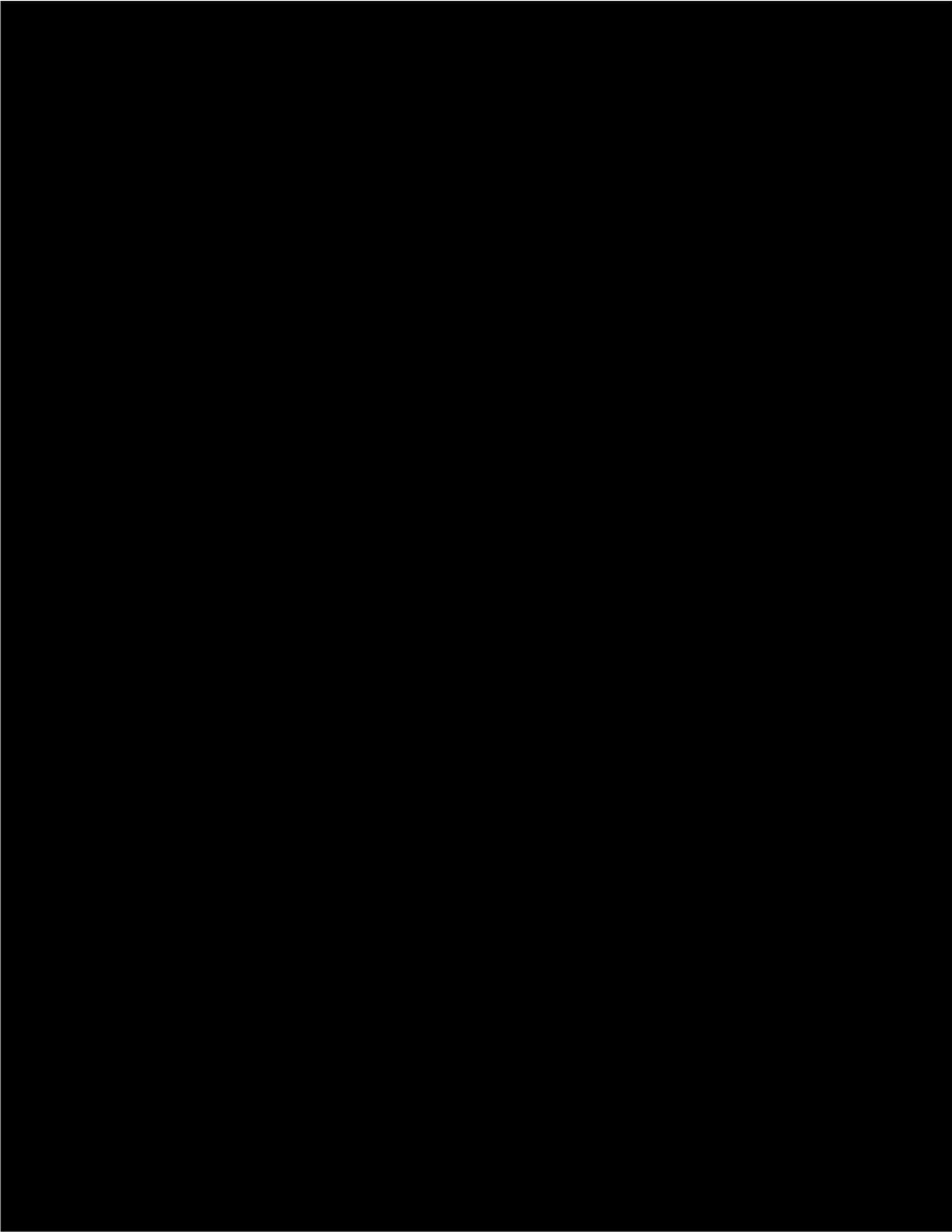


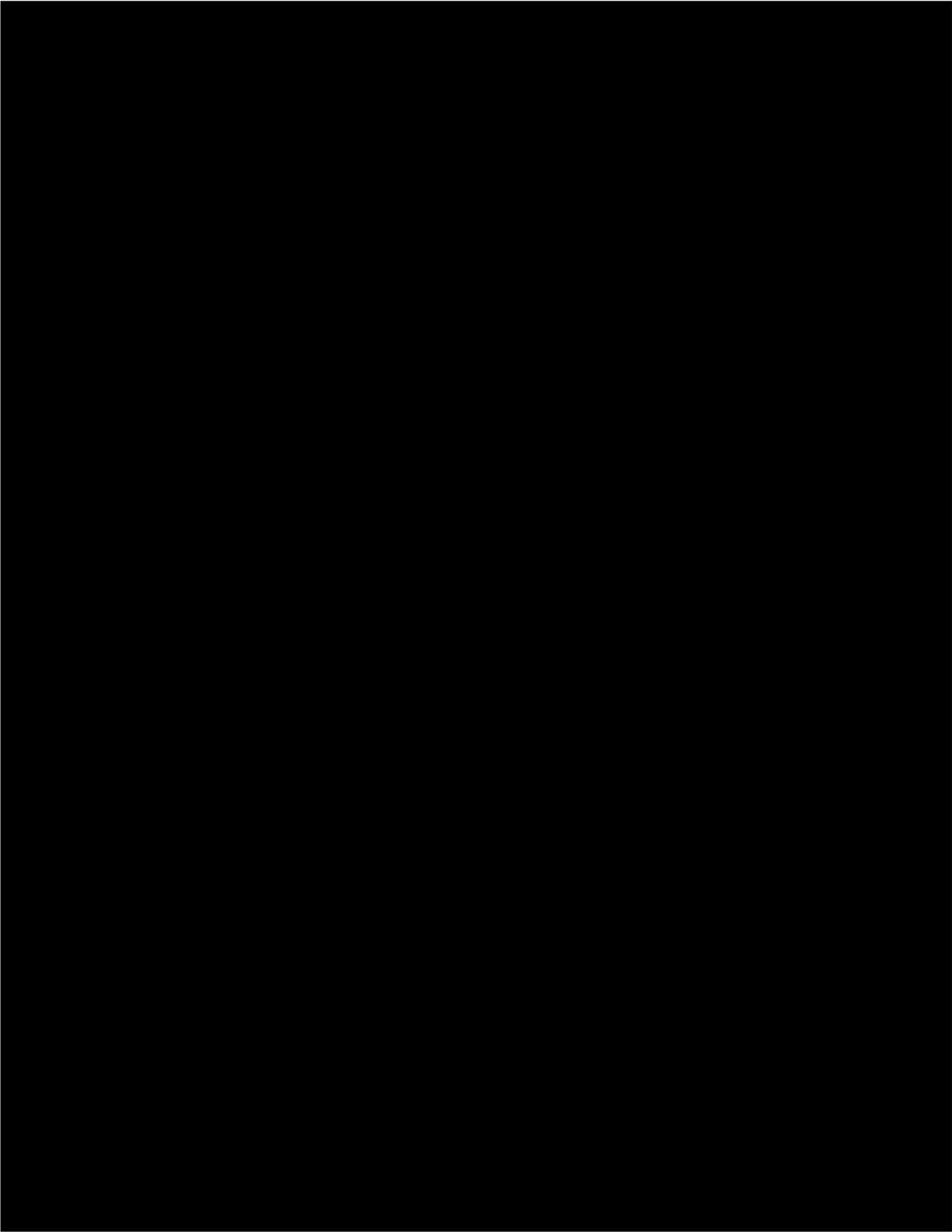


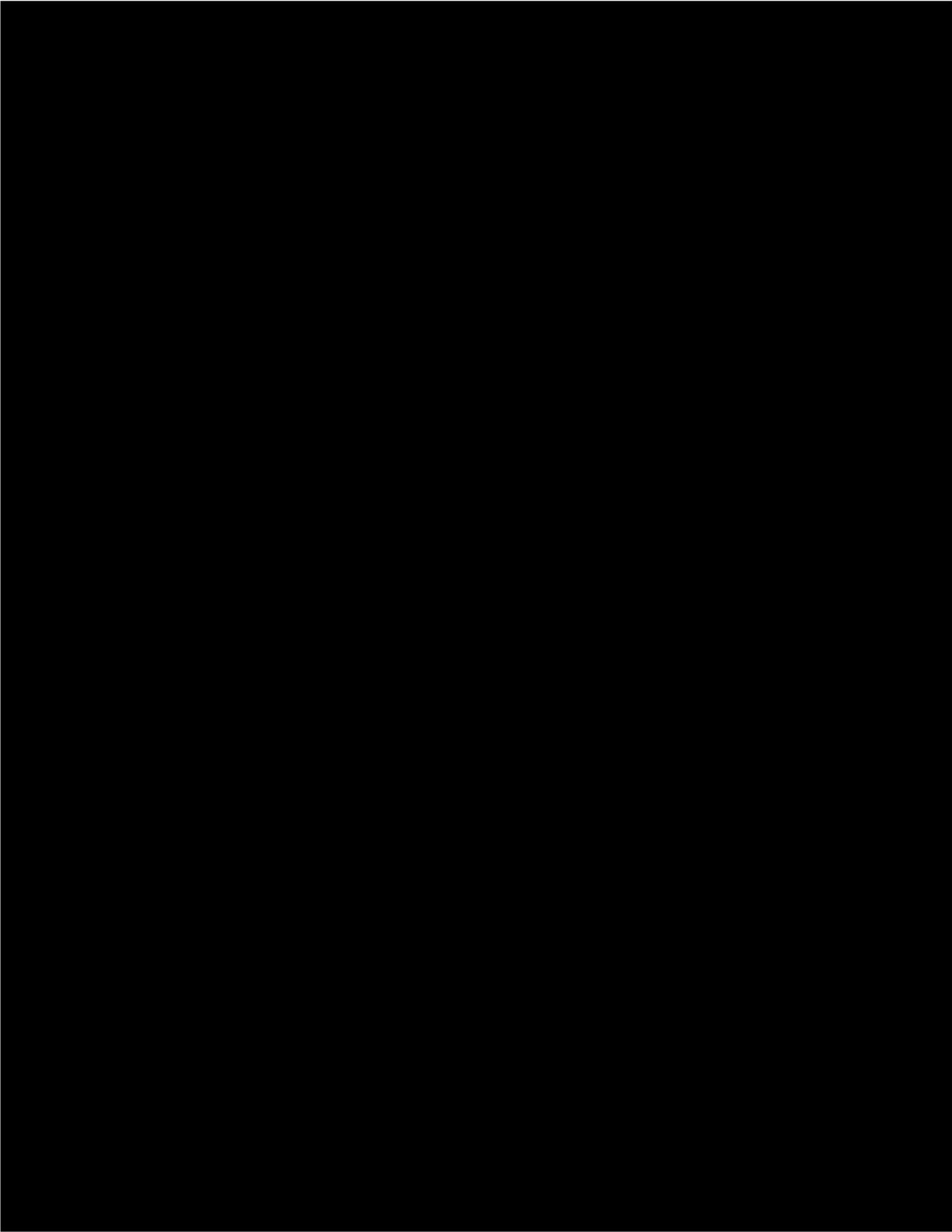


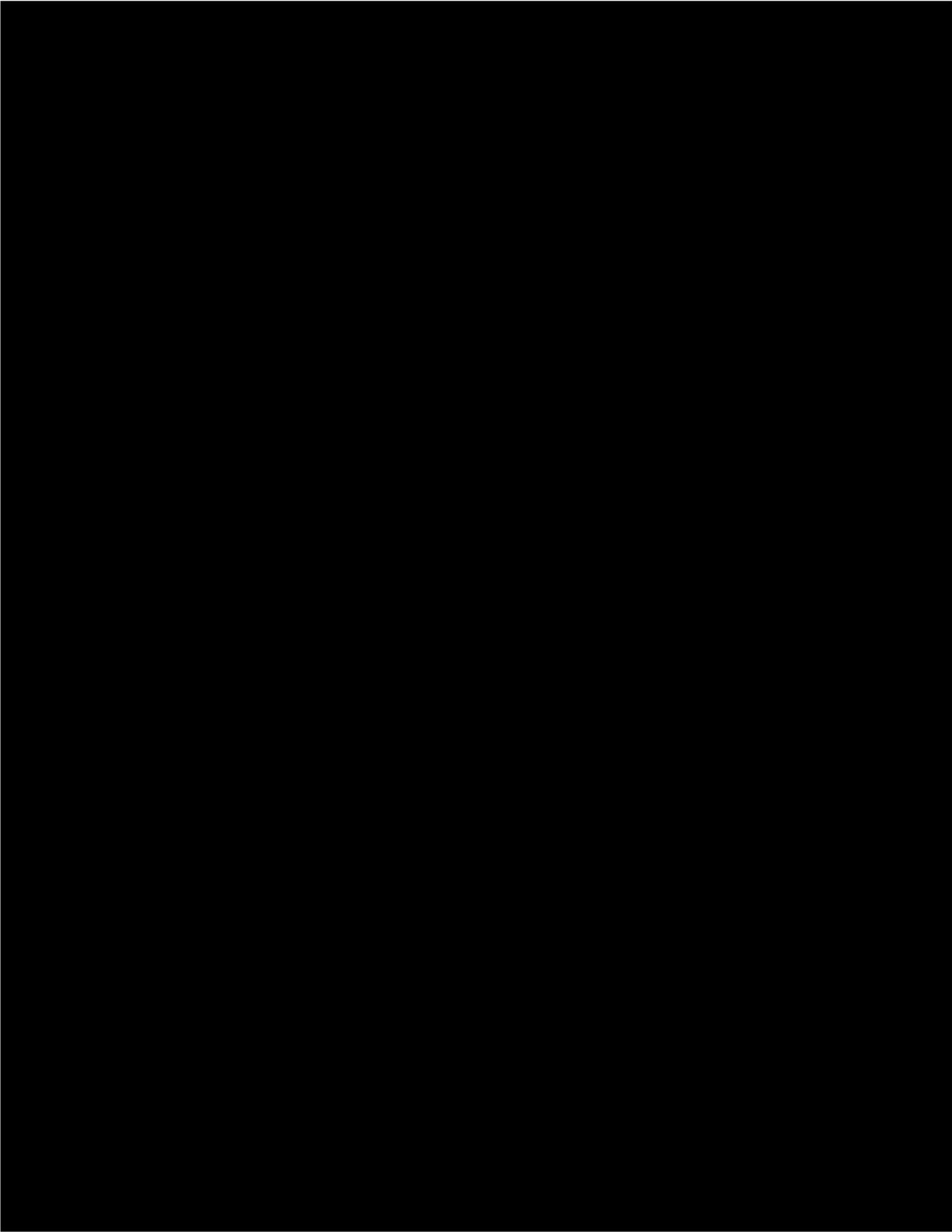


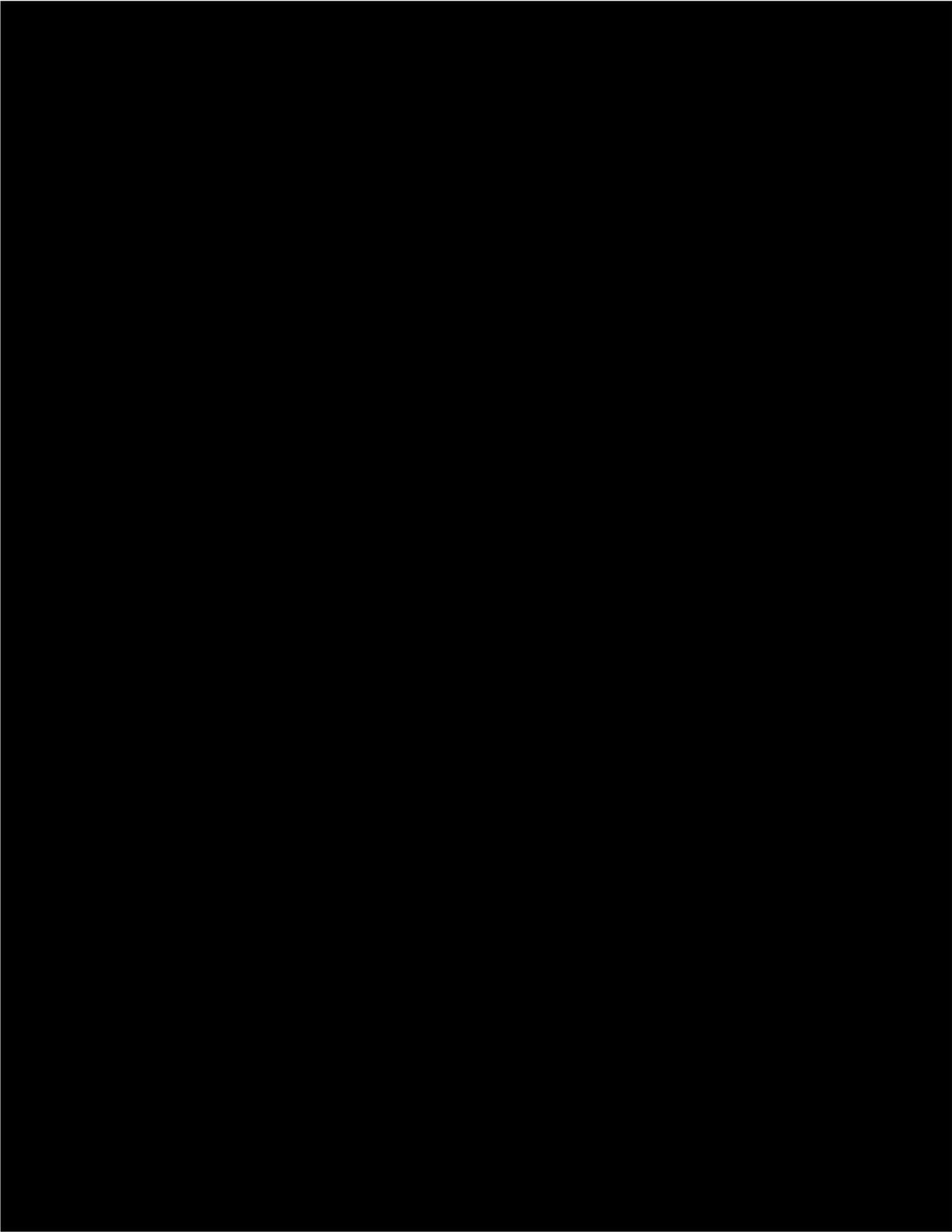


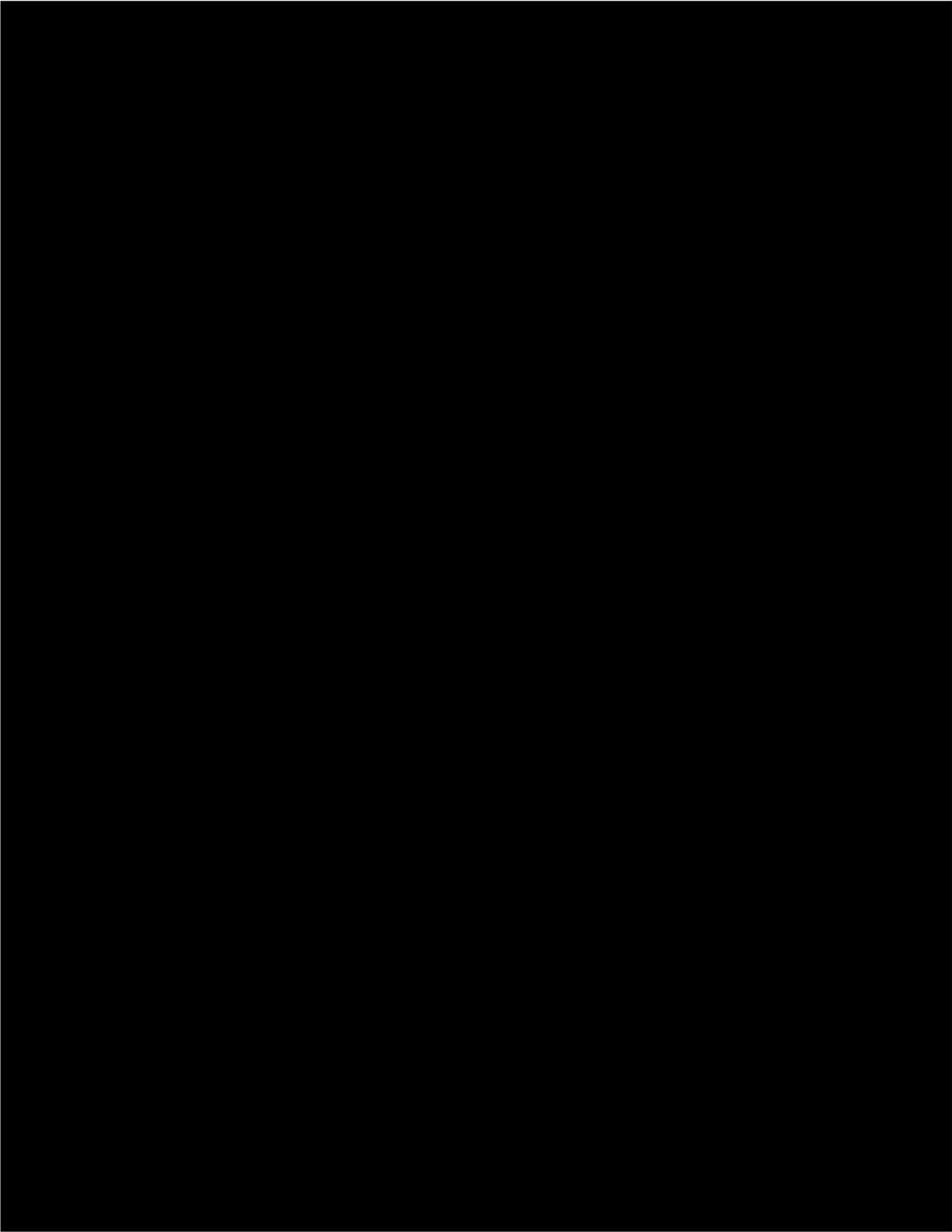


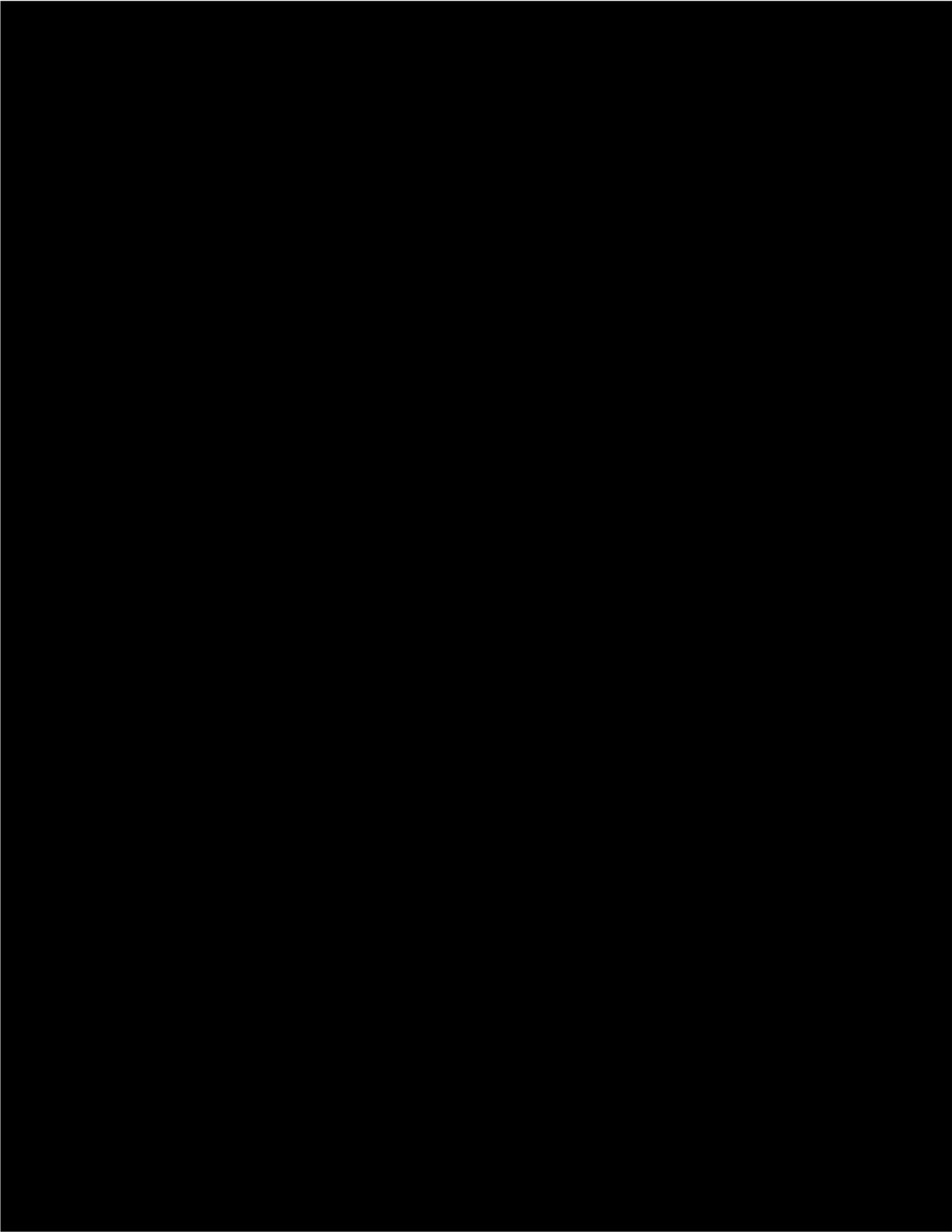


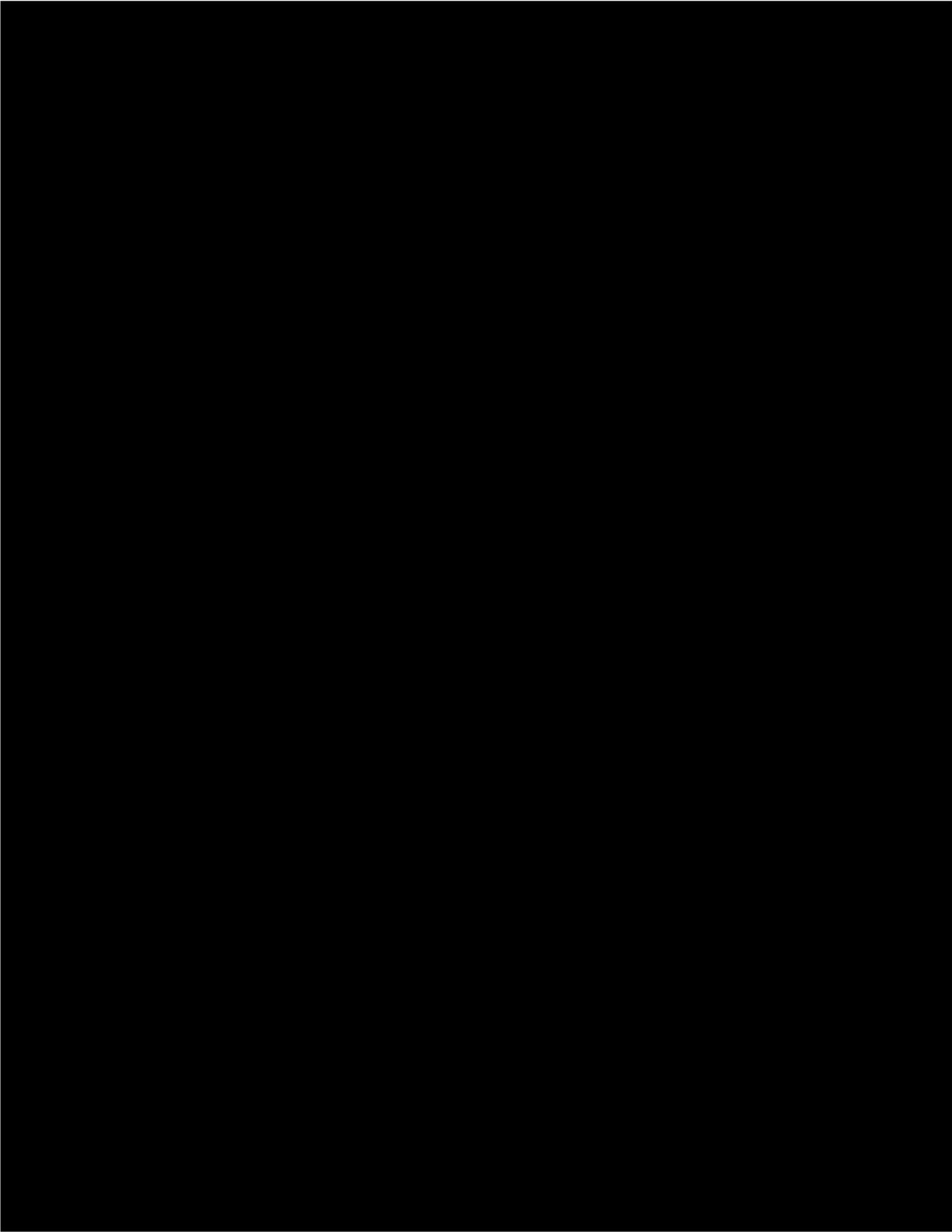


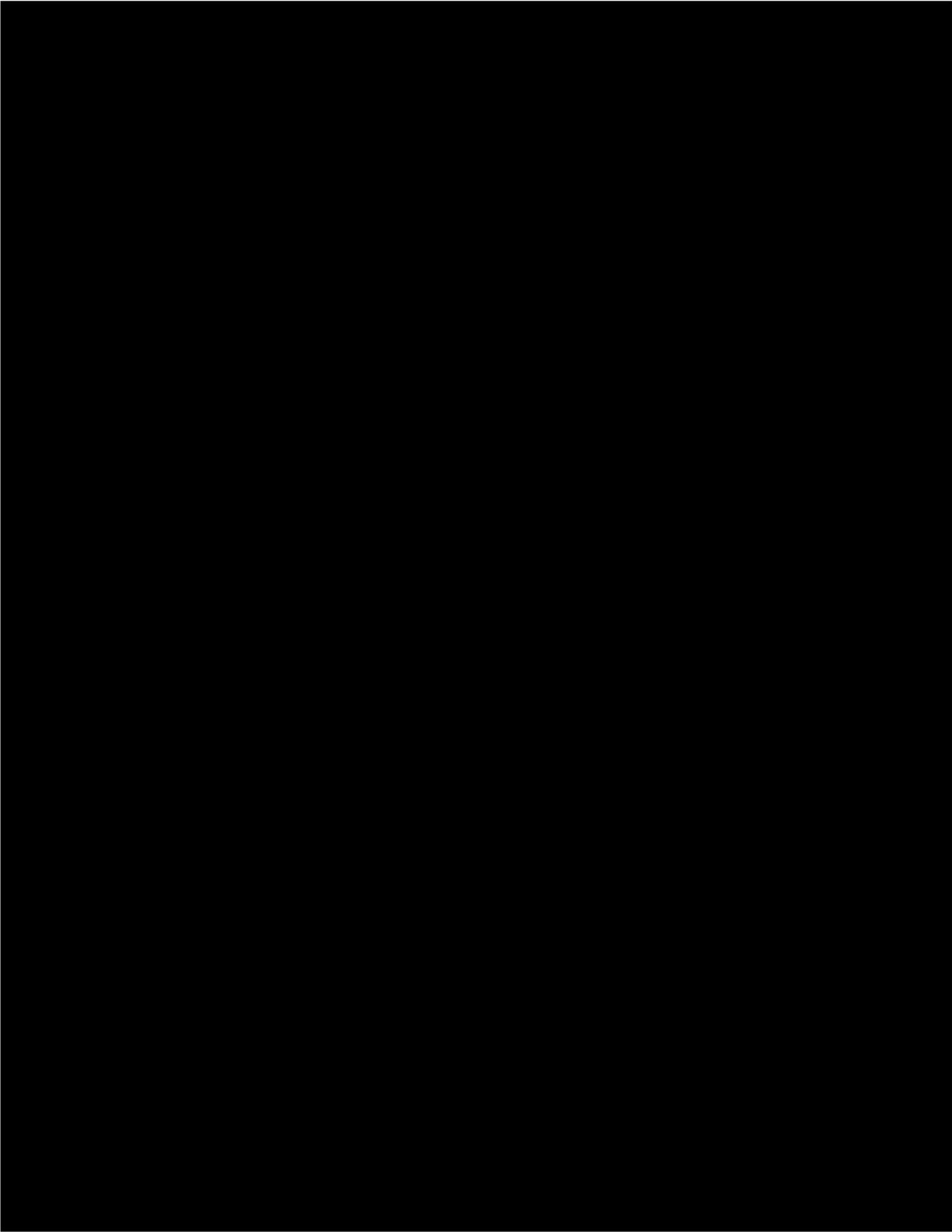


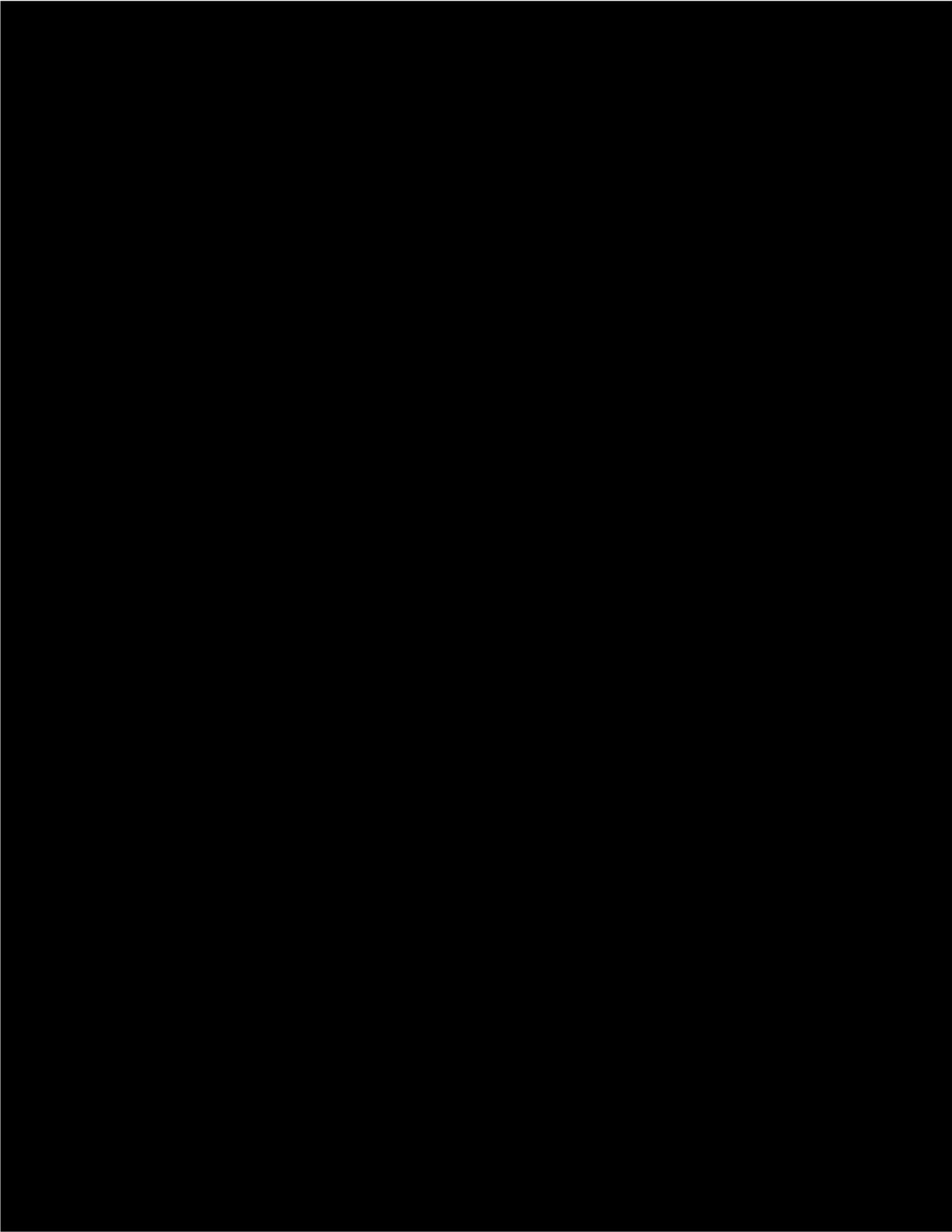


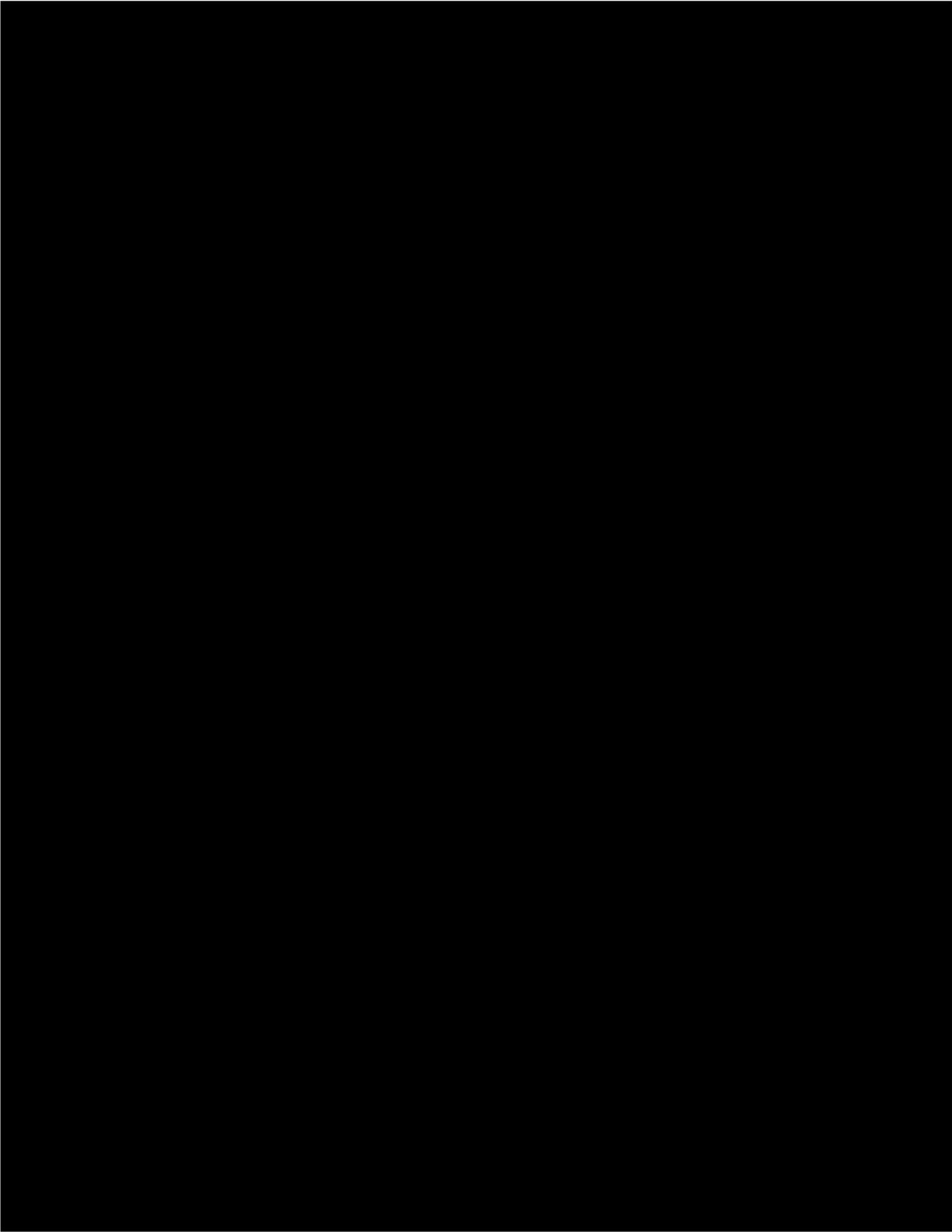


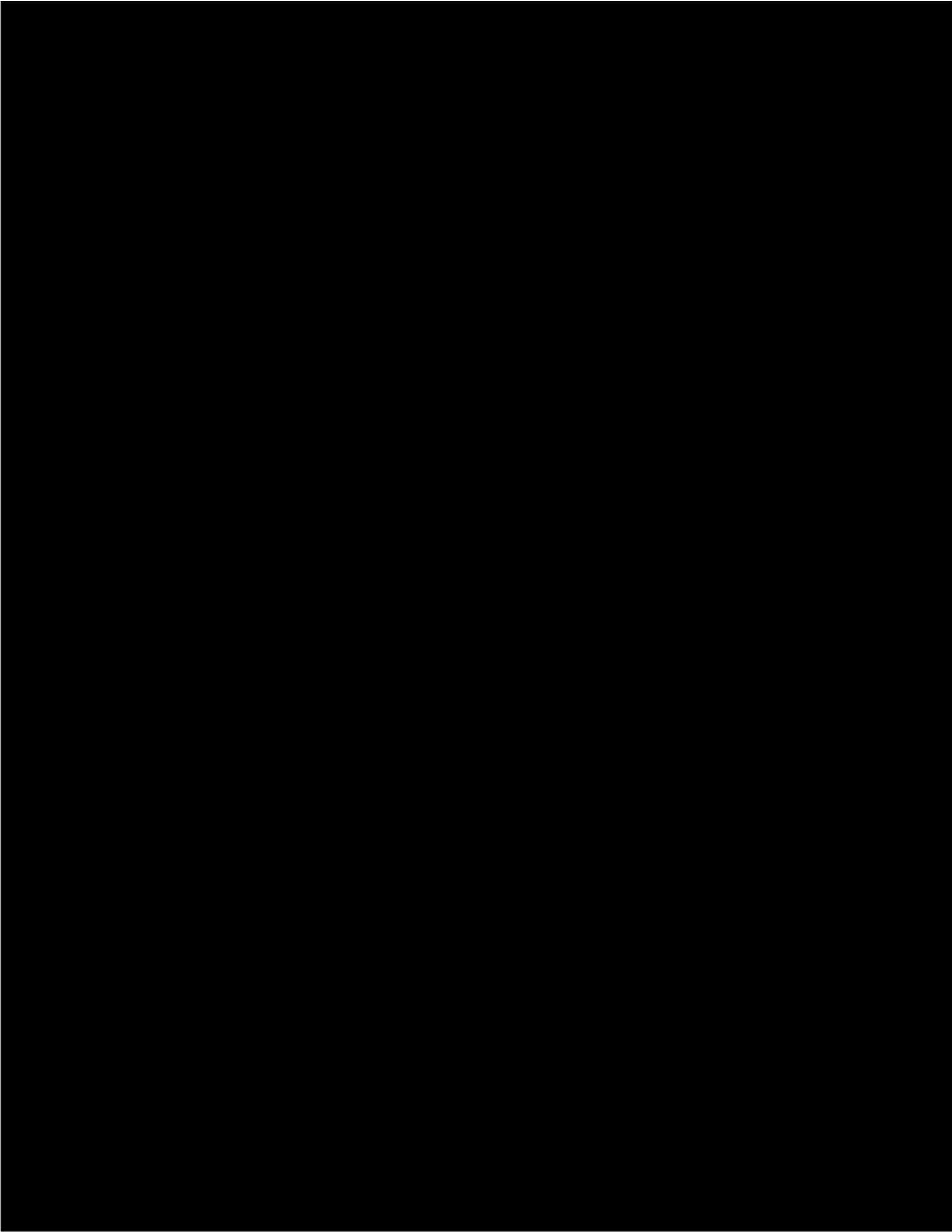


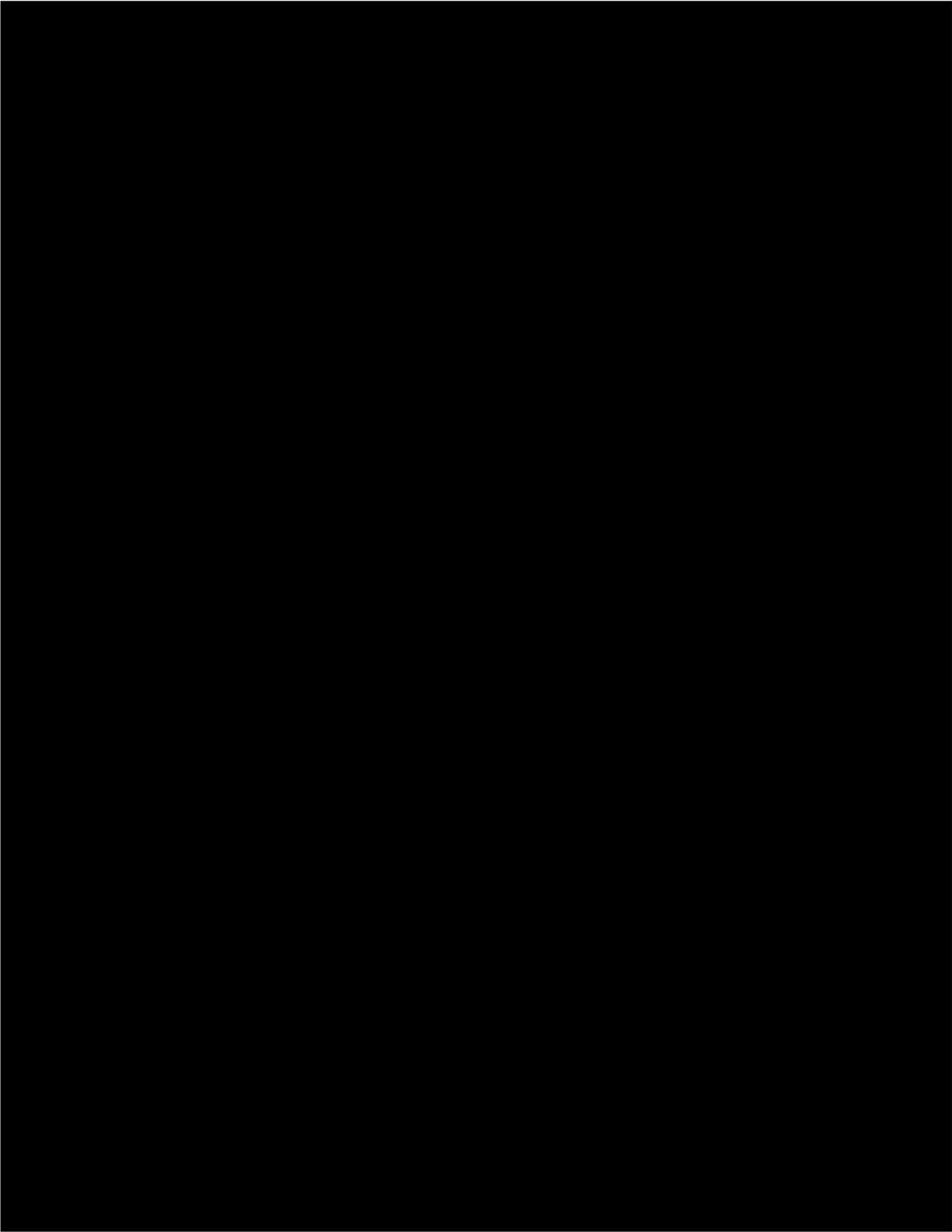


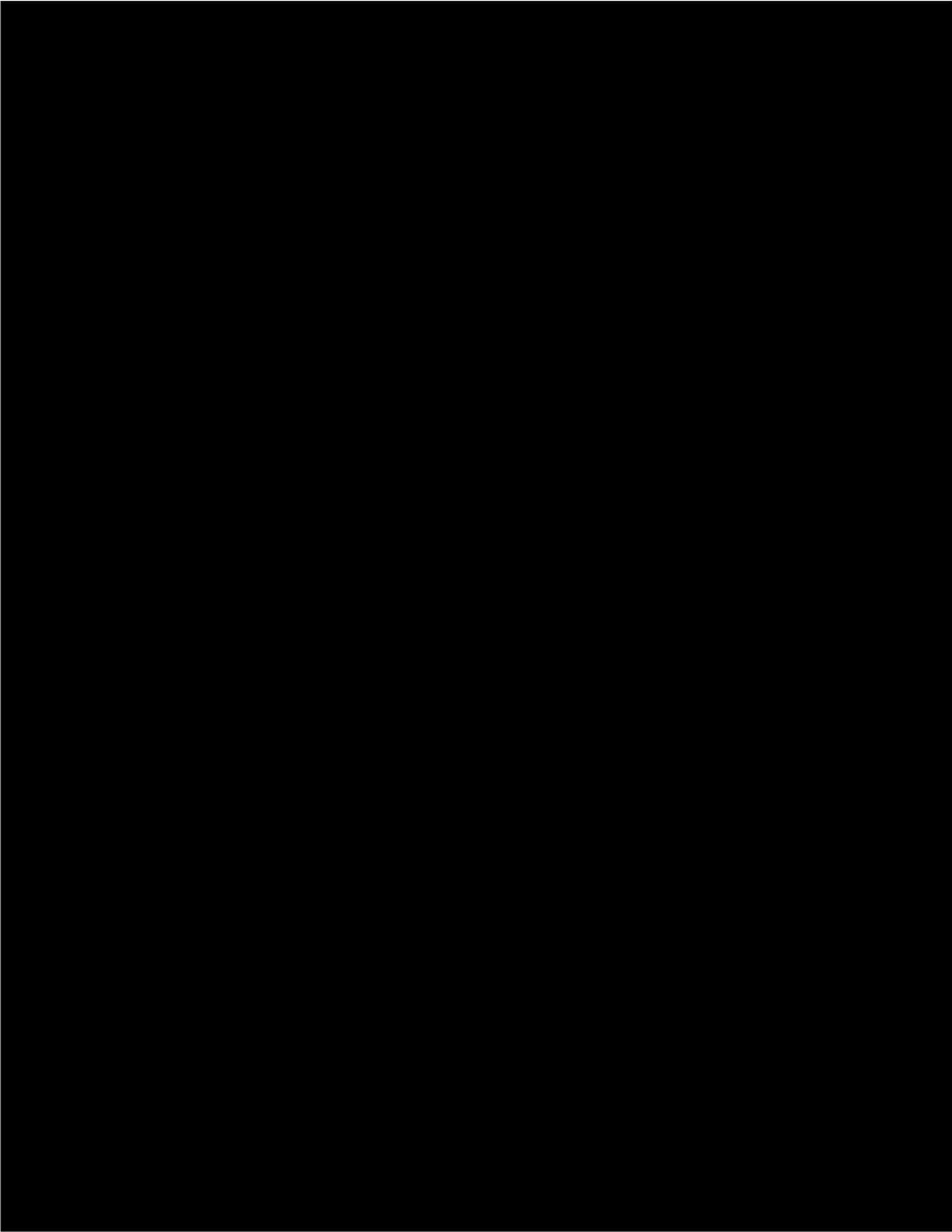


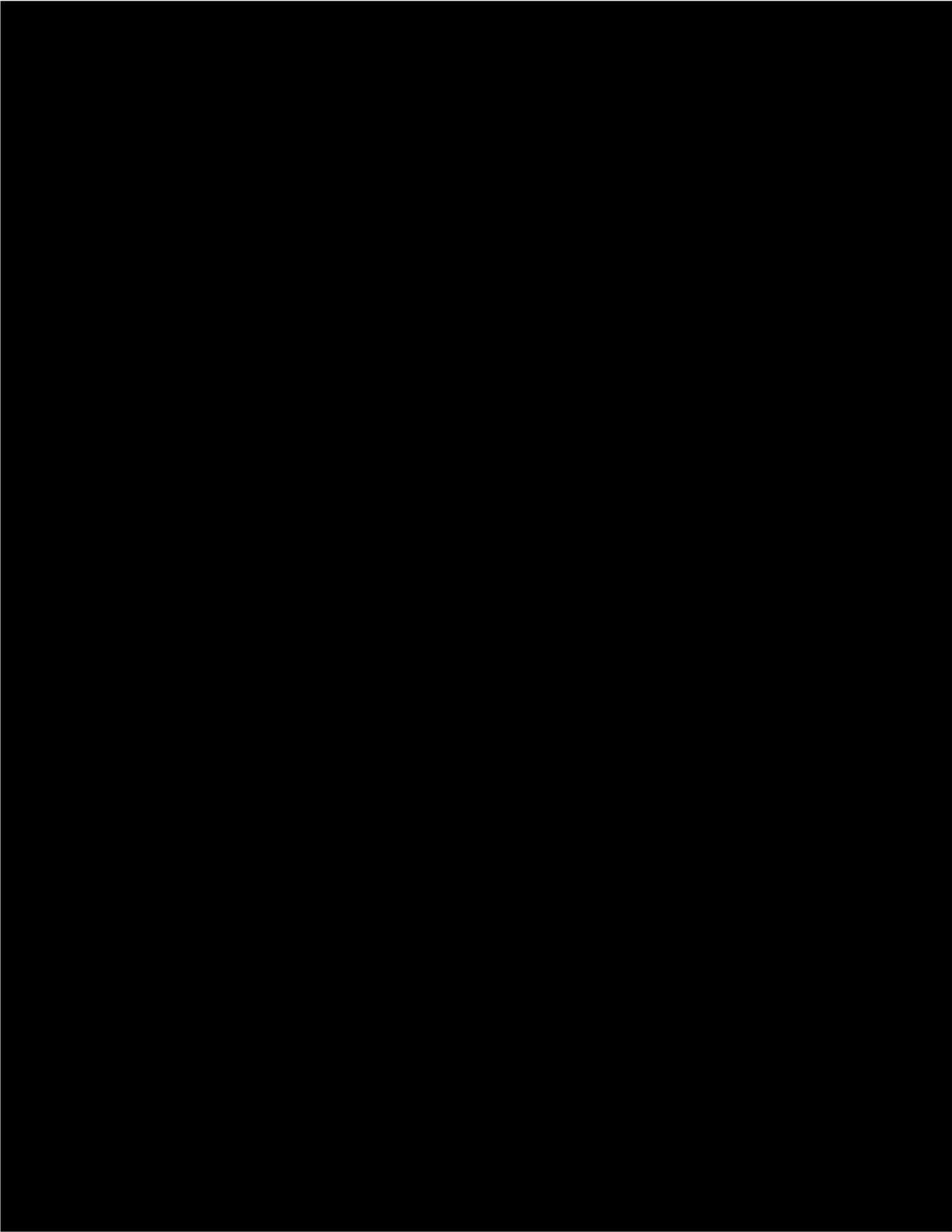


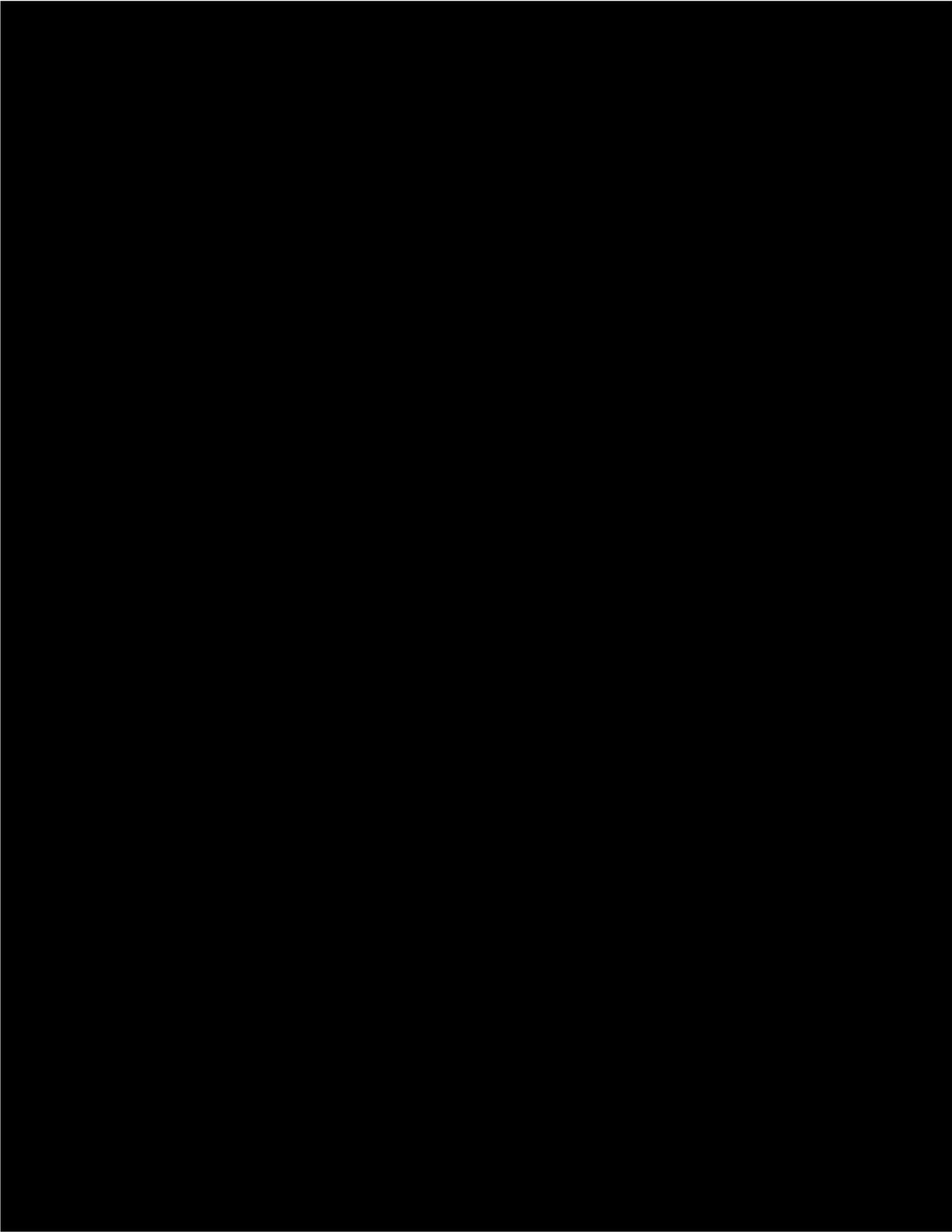


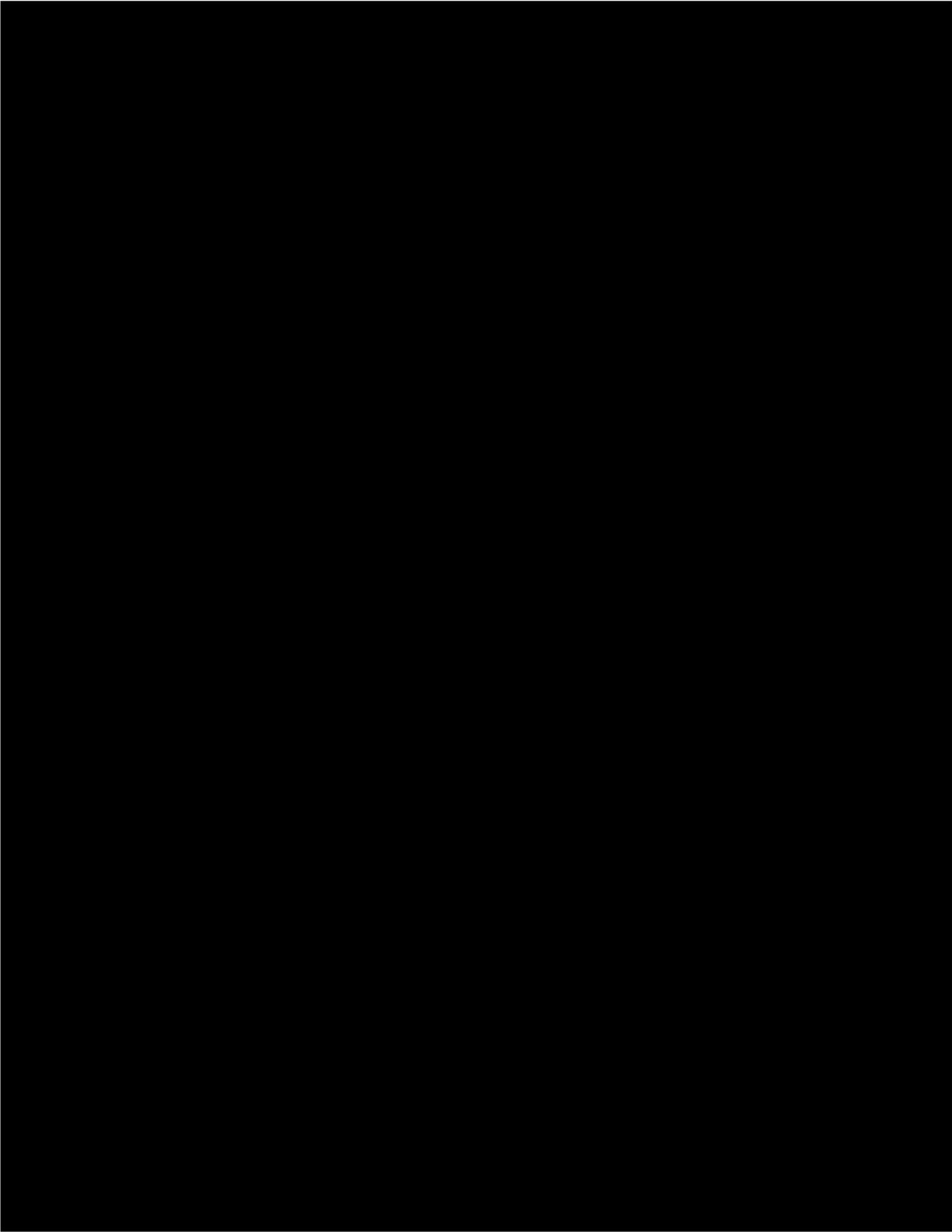


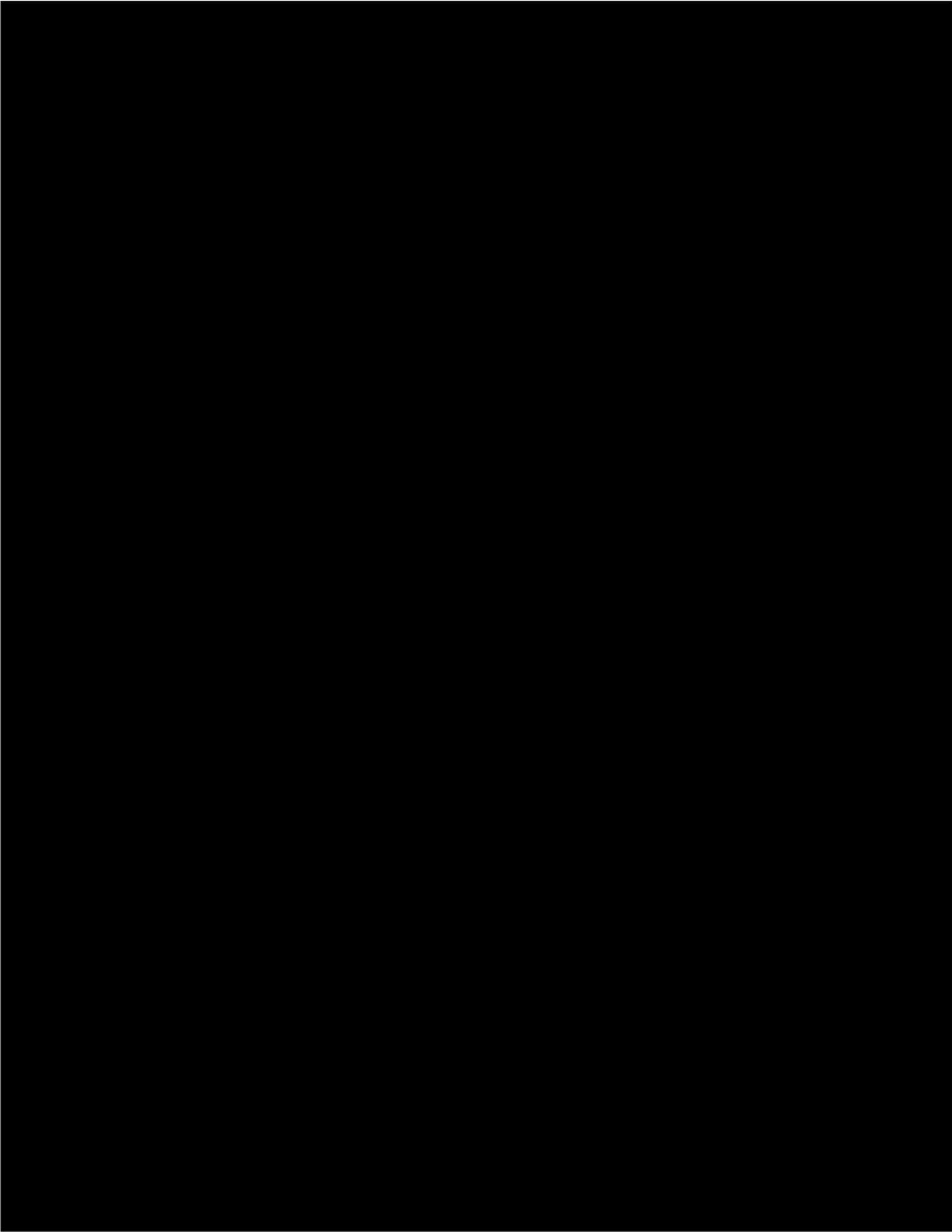


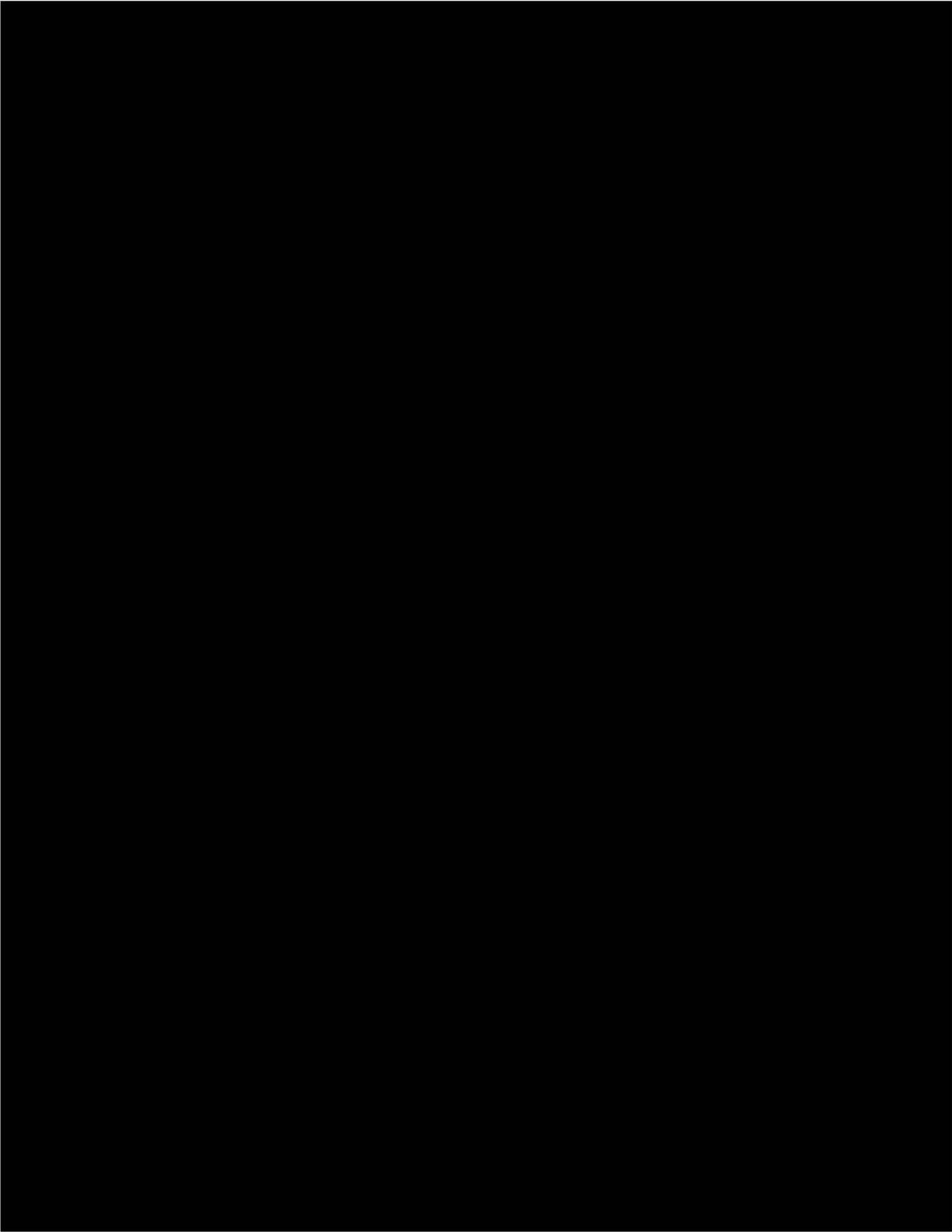


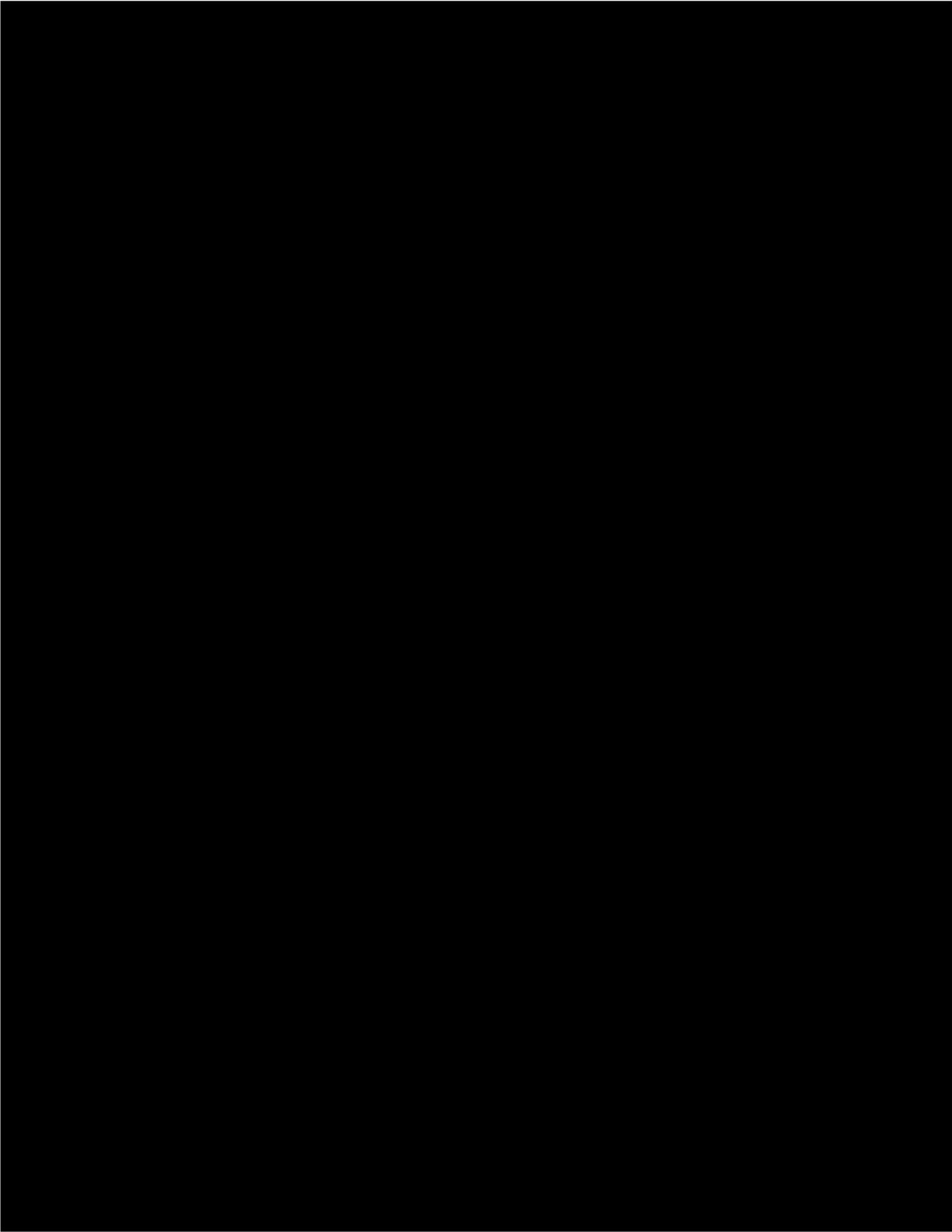


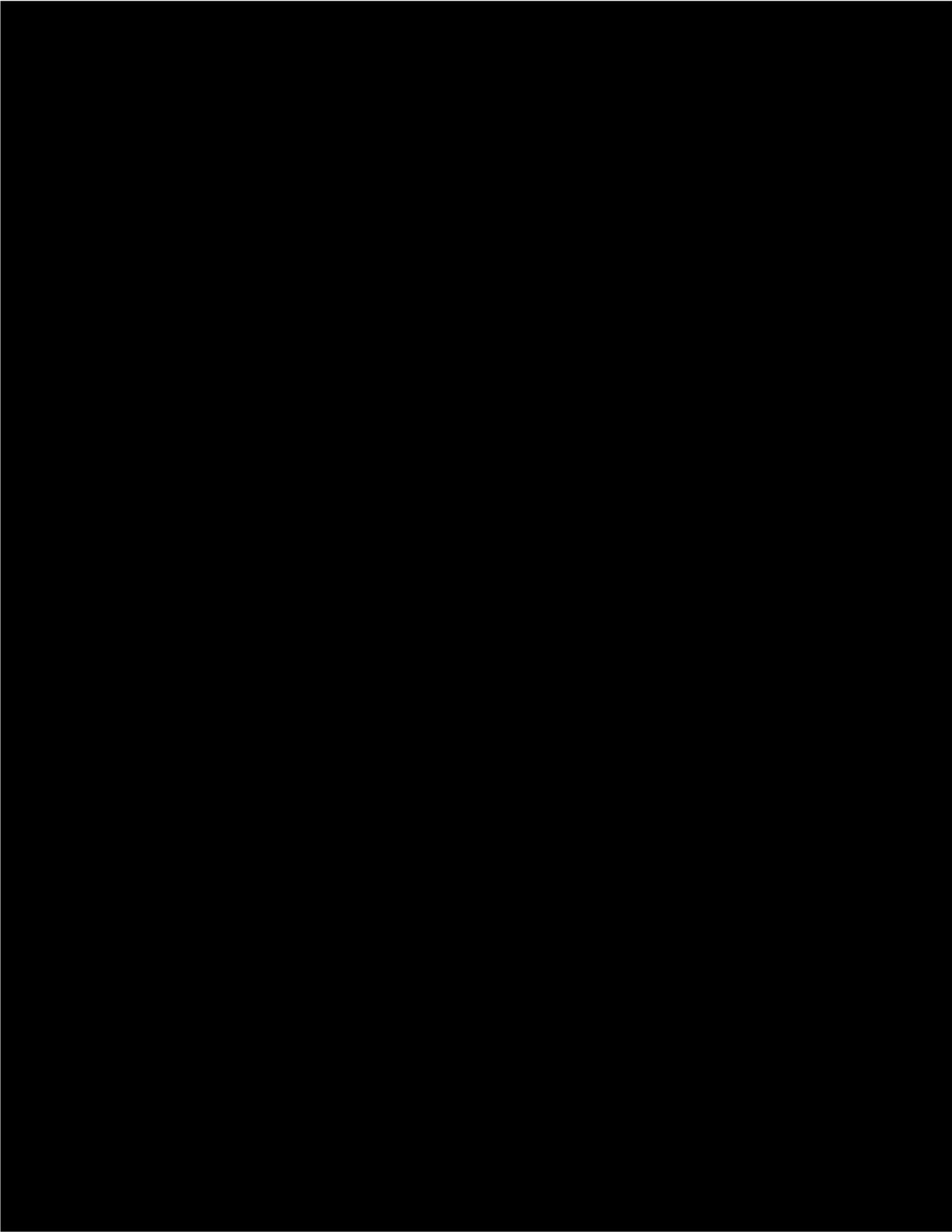


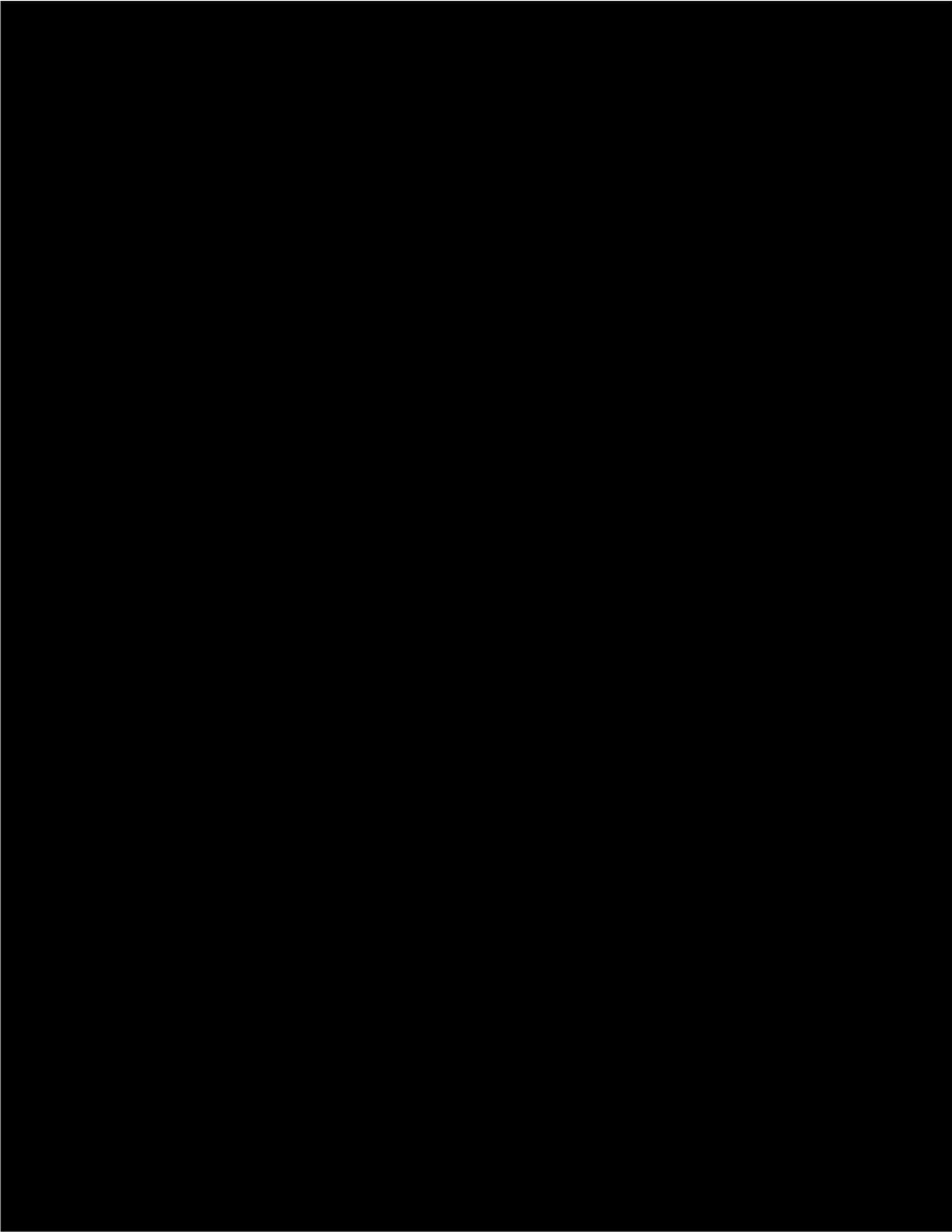


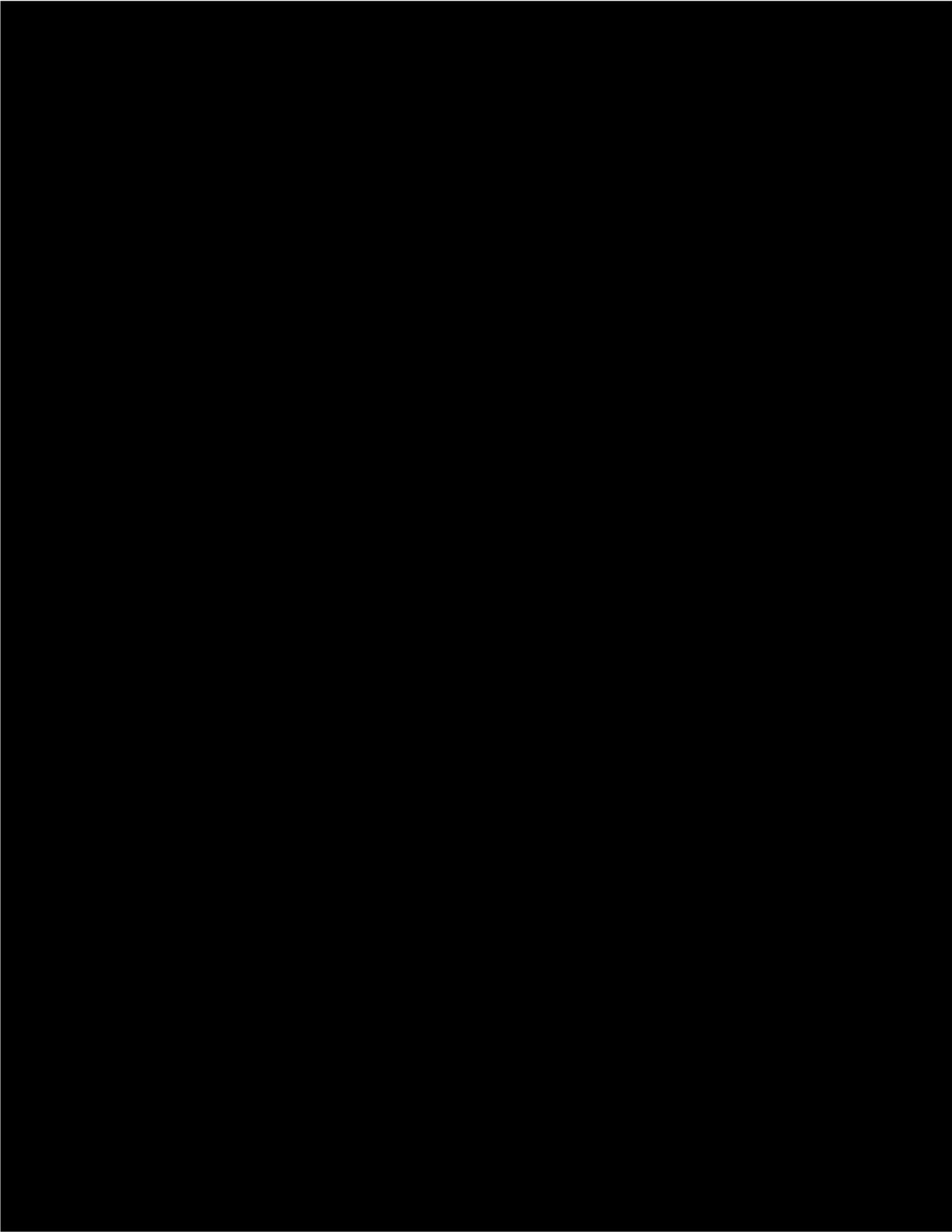












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INVESTIGATION REPORT

PREPARED FOR: Mr. Jim Jackson, with Jackson Law Firm.

REFERENCE: Jacqueline Ashcraft collision on 6/11/21.

On 5/16/23, Mr. Jim Jackson, with Jackson Law Firm, contacted me and requested my services to investigate a motor vehicle collision involving his client, the estate of Ms. Jacqueline Ashcraft.

ITEMS RECEIVED

1. Arkansas Motor Vehicle Collision Report from the Arkansas State Police (Report # [REDACTED])
2. Crash scene photographs taken by Arkansas State Police.
3. Scene photographs taken by Mr. Jim Jackson.
4. Correspondence emails from the Arkansas Department of Human Services, regarding their internal investigation of the collision.
5. Trooper James Ray's deposition & exhibits.
6. Kristen Shelton's deposition & exhibits.
7. Aerial photographs of accident site.

BACKGROUND INFORMATION

Date and time of collision: Approximately 12:50 PM on 6/11/2021.

Location: Arkansas State Highway 22, Paris, Arkansas.

Vehicle 1: 2005 Hyundai Sonata, driven by Ms. Jacqueline Ashcraft.

Vehicle 2: 2009 Hyundai Elantra, driven by Ms. Jenifer Wilkerson.

Vehicle 3: 2001 Peterbilt truck-tractor and modular trailer, driven by Mr. Bobby Wilson.

SCENE INSPECTION

On 5/20/23, I went to the scene for observations, photographs, and measurements. Highway 22 is a two-lane State Highway consisting of one westbound lane and one eastbound lane, separated by a double yellow line, and bordered by white fog lines. The highway is bordered on both sides by improved shoulders. Each lane is approximately 11 feet wide. The eastbound shoulder is approximately 7.6 feet wide, and the westbound shoulder is approximately 7.3 feet wide. I did not observe any line-of-sight issues present that would hinder the view of traffic in either lane.

During the scene inspection, I located the final resting area of vehicle 1. The distances from the RP to A to D, from the vehicle collision report, ended at the shadow of a tire mark which I recognized as the remnants of the skid mark shown in the scene photographs for vehicle 1. I was able to locate the remaining end of the skid mark on the eastbound fog line.

With the measurements provided by the vehicle collision report, I located the beginning of the skid marks from vehicle 2. From the scene photographs I was able to place the beginning point of the skid marks in relation to the eastbound lane and shoulder. From the rumble stripes on the shoulder, I was able to locate the approximate beginning location of a passenger side skid mark, and the area where that skid mark crossed the fog line. With the approximate track width of vehicle 2, I was able to place the approximate location of the driver side skid mark.

The scene photographs also showed a third skid mark, which I identified as being produced by the left rear wheel of vehicle 2. That skid mark followed along the fog line and veered to the left with the other two skid marks. By counting the number of rumble stripes next to that skid mark, I was able to locate the approximate beginning point of that skid mark also.

I was not able to locate the ending location of the three skid marks. I placed the approximate ending location of the three skid marks, based upon their ending location in the scene photographs.

Further east I located numerous grooves and gouges in the westbound lane. I located an additional gouge in the eastbound lane, along with grooves leading to the final resting location of vehicle 2.

West of the area of impact, I located the beginning of a dual wheel skid mark on the westbound fog line, at approximately 274 feet west of the reference point. The skid mark continued onto the shoulder and ended as a single wheel skid mark, at approximately 452 feet west of the reference point.

For more information, refer to the scene diagram.

VEHICLE INSPECTIONS

None of the three vehicles were still available for inspections. To complete the investigation, I reviewed the scene photographs provided by Arkansas State Police.

I observed the damage to vehicle 1, and I noticed that the vehicle had primary contact damage to the passenger side half of the rear end. The driver side of the rear bumper contained induced damage. I observed that the crush damage retarded the rotation of the right rear wheel to the point that the wheel produced a post-impact skid mark. I observed that the back panel of the driver seat was leaning back into the rear passenger area. I did not locate any damage to the vehicle that would indicate that vehicle 1 collided with vehicle 3.

I observed the damage to vehicle 2, and I noticed that the vehicle had primary crush damage to the front end of the vehicle, with the most extensive crush to the left front section. I observed that vehicle 2, had induced damage to the driver door frame and the rear passenger door on the driver's side. Furthermore, I observed underride damage to the right front panel, which is consistent with vehicle 2 colliding with the underside of the modular home being towed by vehicle 3.

I observed that vehicle 3 and contact damage to the driver side tractor tandems, and secondary contact damage to the driver side front corner of the modular home and trailer frame. The damage at that corner is consistent with vehicle 2 under riding the trailer with the front end. The under-riding contact by vehicle 2 is consistent with vehicle 2 creating the gouges and grooves seen in the westbound lane, at maximum engagement.

ANALYSIS AND CALCULATIONS

To conduct the impact speed calculations for vehicle 2, I had to first calculate the post-impact speed for both vehicle 1 and vehicle 2. From the scene diagram I measured that vehicle 1 traveled approximately 188.5 feet. From the observations of the scene photographs provided by Arkansas State Police, I noticed that the damage to vehicle 1 had retarded the right rear wheel to the point that it was producing a skid mark. Although I located only a portion of the skid mark from vehicle 1 during the scene inspection, the braking capability of that wheel would have commenced at the point of maximum engagement between the two vehicles.

To determine the post-impact speed, I had to calculate the adjusted deceleration factor for vehicle 1. To calculate the total deceleration factor for the vehicle I used a rolling resistance value of 0.01 for the left rear wheel (non-drive axle) and 0.10 for the left front wheel and the right front wheel (drive axle)¹. For the right rear wheel (damage induced braking) I used an accepted coefficient of friction of 0.60 to 0.80 for a dry asphalt roadway surface that has been subjected to traveled use². I calculated the post-impact speed for vehicle 1 at approximately 33.63 MPH, using an average coefficient of friction of 0.70.

Next, I calculated the post-impact speed for vehicle 2. From the scene photographs I observed post-impact skid marks leading from the area of impact. The beginning of the driver side skid mark had a darkened area that was darker than the remaining portion of the skid mark. I recognized this as an indicator of the area of impact because wheels that are braking tend to produce very darkened skid marks upon maximum engagement with another vehicle. Furthermore, the scene photographs show three skid marks from vehicle 2, which indicates that it was off tracking from lateral instability. This movement is another indicator that vehicle 2 is moving away post-impact. The above-described characteristics of the skid marks conclude that there were very little to no pre-impact skid marks from vehicle 2 and therefore little to no pre-impact braking by vehicle 2.

From the scene diagram, I measured that vehicle 2 traveled approximately 53.2 feet post impact to the area where the vehicle collided with vehicle 3. I calculated the post-impact speed for vehicle 2 at approximately 33.44 MPH, using an average coefficient of friction of 0.70.

To further analyze the potential variability in the impact speed of vehicle 2, I calculated post-impact speeds for both vehicles using a roadway coefficient of friction of 0.60. In addition, the scene photographs depicted only three post-impact skid marks for vehicle 2. Therefore, I adjusted the deceleration factor for vehicle 2.

Furthermore, I provided a range of impact speeds for vehicle 2 based upon the potential range of pre-impact speed for vehicle 1. I did not locate any evidence during my scene inspection to indicate the pre-impact speed of vehicle 1. However, the statements by both Ms. Wilkerson and Mr. Wilson indicate that vehicle 1 was stationary when the impact occurred.

I calculated the impact speeds with AR PRO 15 Accident Reconstruction Software. The summary of the impact speeds is listed below:

¹ D. Parkka, Equation Directory for the Reconstructionist, First Edition.

² R. W. Rivers, On-Scene Traffic Accident Investigators Manual (Charles C. Thomas Publisher, 1981) 136.

IMPACT SPEED FOR WILKERSON (MPH)			
Coeff. of Friction	Ashcraft (Stationary)	Ashcraft (10 MPH)	Ashcraft (20 MPH)
0.70	74.3	62.1	50.0
0.57	71.0	58.9	46.7
0.60	69.7	57.6	45.4
0.49	66.7	54.6	42.4

For more information refer to the AR PRO Calculation Reports. NOTE: When referencing the AR PRO Calculation Reports, please be aware that vehicle 1 is WILKERSON and vehicle 2 is ASHCRAFT, in order to match the variables in the collinear momentum formula.

Based upon a review of the post-impact speeds I have concluded that the post-impact speed of vehicle 2 would be closer to the speeds calculated without a reduction in the braking efficiency. My conclusion is based upon my finding that the range of post-impact speeds for vehicle 1 (33.63 MPH to 31.90 MPH) is more consistent with the range of post-impact speeds for vehicle 2 (33.44 MPH to 30.96MPH).

The calculations clearly show that the post-impact speed of vehicle 1 was increased from the initial speed, which was result of the greater amount of momentum being brought into the collision by vehicle 2. Also, generally in momentum analysis the target vehicle (vehicle 1) can only depart from the collision at a speed equal to or less than the post-impact speed of the bullet vehicle. However, in this collision, the post-impact speed for vehicle 1 is slightly more than the value for vehicle 2. The investigation states that vehicle 2 also collided with vehicle 3, after colliding with vehicle 1. It is not known for certain, but vehicle 2 still may have been traveling eastbound when it collided with vehicle 3, and that collision prevented vehicle 2 from the opportunity to travel on its own to a complete stop. If vehicle 2 had been able to travel a further distance, then it would have generated a greater post-impact speed.

The damage profile to the rear of vehicle 1 clearly indicates that the impact by vehicle 2 was an off-set collision and not a complete in-line impact. The beginning of the skid marks from vehicle 2, along with the impact configuration, conclude that vehicle 1 was positioned within the bounds of the eastbound lane. Vehicle 1 was positioned towards the south half of the eastbound lane, likely because vehicle 3 was approaching and towing an oversized load. The delivery receipt shown within the scene photographs indicate that the oversized load behind vehicle 3 was a 14-foot by 56-foot modular home section.

During the scene inspection I observed that the eastbound lane was bordered by an improved paved shoulder, and the shoulder measured approximately 7.6 feet wide. The vehicle specifications for vehicle 2 list that it is approximately 5.9 feet wide for overall width. The shoulder would have provided Ms. Wilkerson with adequate room to maneuver her vehicle around vehicle 1 and avoid the collision altogether or greatly reduce the severity of the collision. The placement of the vehicles at impact indicates that vehicle 2 was veering to the right and possibly attempting to avoid the impact.

RESULTS AND CONCLUSIONS

The investigation has clearly concluded that Ms. Wilkerson was extremely negligent when she collided into the rear of Ms. Ashcraft. Furthermore, my investigation has concluded that Ms. Wilkerson was exceeding the posted speed limit for the highway.

There were no line-of-sight issues present at the scene and there were no adverse weather conditions present when the collision occurred. If Ms. Wilkerson had been keeping a proper lookout for traffic or hazards ahead, she could have easily observed that Ms. Ashcraft was slowing or stopped, and she could have avoided or greatly reduced the severity of the collision.

I did not discover any contributing actions to the collisions by Mr. Bobby Wilson.

I reserve the right to revise or supplement this report, based upon the discovery of new information or data, including the testimony or statements of parties and/or witnesses.

By: Stanley B. Cain



Stanley B. Cain Accident
Reconstructionist, LLC

COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_{lf} \times n_{lf} \times \sin\theta) + (\mu_{rf} \times n_{rf} \times \sin\theta) + (\mu_{lr} \times n_{lr} \times \sin\theta) + (\mu_{rr} \times n_{rr} \times \sin\theta)$$

$$f = (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.0100 \times 0.1950 \times \sin(90.0000)) + (0.6000 \times 0.1950 \times \sin(90.0000))$$

$$f = (0.1000 \times 0.3050 \times 1.0000) + (0.1000 \times 0.3050 \times 1.0000) + (0.0100 \times 0.1950 \times 1.0000) + (0.6000 \times 0.1950 \times 1.0000)$$

$$f = 0.0305 + 0.0305 + 0.0019 + 0.1170$$

$$f = 0.1799$$

f = The Adjusted Accel/Drag Factor

μ = The Tire - Surface Friction by wheel

n = The Percentage of Braking

θ = The angular difference between the veh heading and CoFM direction

lf, rf, lr, rr = The tire at each corner of the vehicle (left front, etc.)

m = The Grade Percentage

Formula Inputs:

The Left Front Tire μ is: 0.1000
 The Left Front Tire % of Braking is: 0.3050
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.1000
 The Right Front Tire % of Braking is: 0.3050
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.0100
 The Left Rear Tire % of Braking is: 0.1950
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.6000
 The Right Rear Tire % of Braking is: 0.1950
 The Right Rear Tire Angular Difference is: 90.0000

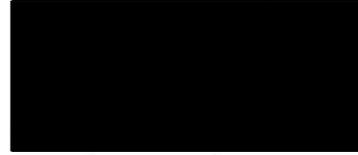
Formula Results:

The Acceleration/Drag Factor is: 0.1799

Calculation Notes:

Deceleration factor for vehicle 2 (ASHCRAFT), with a drive axle rolling resistance of 0.10.
 Roadway coefficient of friction: 0.60.

Stanley B. Cain Accident
Reconstructionist, LLC



COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_{lf} \times n_{lf} \times \sin\theta) + (\mu_{rf} \times n_{rf} \times \sin\theta) + (\mu_{lr} \times n_{lr} \times \sin\theta) + (\mu_{rr} \times n_{rr} \times \sin\theta)$$

$$f = (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.1000 \times 0.3050 \times \sin(90.0000)) + (0.0100 \times 0.1950 \times \sin(90.0000)) + (0.7000 \times 0.1950 \times \sin(90.0000))$$

$$f = (0.1000 \times 0.3050 \times 1.0000) + (0.1000 \times 0.3050 \times 1.0000) + (0.0100 \times 0.1950 \times 1.0000) + (0.7000 \times 0.1950 \times 1.0000)$$

$$f = 0.0305 + 0.0305 + 0.0019 + 0.1365$$

$$f = 0.1994$$

f = The Adjusted Accel/Drag Factor

μ = The Tire - Surface Friction by wheel

n = The Percentage of Braking

θ = The angular difference between the veh heading and CofM direction.

(f, rf, lr, rr = The tire at each corner of the vehicle (left front, etc).)

m = The Grade Percentage.

Formula Inputs:

The Left Front Tire μ is: 0.1000
 The Left Front Tire % of Braking is: 0.3050
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.1000
 The Right Front Tire % of Braking is: 0.3050
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.0100
 The Left Rear Tire % of Braking is: 0.1950
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.7000
 The Right Rear Tire % of Braking is: 0.1950
 The Right Rear Tire Angular Difference is: 90.0000

Formula Results:

The Acceleration/Drag Factor is: 0.1994

Calculation Notes:

Deceleration factor for vehicle 2 (ASHCRAFT), with a drive axle rolling resistance of 0.10.
 Roadway coefficient of friction: 0.70.

Stanley B. Cain Accident
Reconstructionist, LLC

COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_{lf} \times n_{lf} \times \sin\theta) + (\mu_{rf} \times n_{rf} \times \sin\theta) + (\mu_{lr} \times n_{lr} \times \sin\theta) + (\mu_{rr} \times n_{rr} \times \sin\theta)$$

$$f = (0.6000 \times 0.3150 \times \sin(90.0000)) + (0.6000 \times 0.3150 \times \sin(90.0000)) + (0.6000 \times 0.1850 \times \sin(90.0000)) + (0.0100 \times 0.1850 \times \sin(90.0000))$$

$$f = (0.6000 \times 0.3150 \times 1.0000) + (0.6000 \times 0.3150 \times 1.0000) + (0.6000 \times 0.1850 \times 1.0000) + (0.0100 \times 0.1850 \times 1.0000)$$

$$f = 0.1890 + 0.1890 + 0.1110 + 0.0018$$

$$f = 0.4908$$

f = The Adjusted Accel/Drag Factor

μ = The Tire - Surface Friction by wheel

n = The Percentage of Braking

θ = The angular difference between the veh heading and CoFM direction.

lf, rf, lr, rr = The tire at each corner of the vehicle (left front, etc.)

m = The Grade Percentage

Formula Inputs:

The Left Front Tire μ is: 0.6000
 The Left Front Tire % of Braking is: 0.3150
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.6000
 The Right Front Tire % of Braking is: 0.3150
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.6000
 The Left Rear Tire % of Braking is: 0.1850
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.0100
 The Right Rear Tire % of Braking is: 0.1850
 The Right Rear Tire Angular Difference is: 90.0000

Formula Results:

The Acceleration/Drag Factor is: 0.4908

Calculation Notes:

Deceleration factor for vehicle 1 (WILKERSON) with reduced braking efficiency.
 Roadway coefficient of friction: 0.60.

Stanley B. Cain Accident
Reconstructionist, LLC



COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$f = (\mu_{lf} \times n_{lf} \times \sin\theta) + (\mu_{rf} \times n_{rf} \times \sin\theta) + (\mu_{lr} \times n_{lr} \times \sin\theta) + (\mu_{rr} \times n_{rr} \times \sin\theta)$$

$$f = (0.7000 \times 0.3150 \times \sin(90.0000)) + (0.7000 \times 0.3150 \times \sin(90.0000)) + (0.7000 \times 0.1850 \times \sin(90.0000)) + (0.0100 \times 0.1850 \times \sin(90.0000))$$

$$f = (0.7000 \times 0.3150 \times 1.0000) + (0.7000 \times 0.3150 \times 1.0000) + (0.7000 \times 0.1850 \times 1.0000) + (0.0100 \times 0.1850 \times 1.0000)$$

$$f = 0.2205 + 0.2205 + 0.1295 + 0.0018$$

$$f = 0.5723$$

f = The Adjusted Accel/Drag Factor

μ = The Tire - Surface Friction by wheel

n = The Percentage of Braking

θ = The angular difference between the veh heading and CoFM direction

(lf, rf, lr, rr = The tire at each corner of the vehicle (left front, etc))

m = The Grade Percentage

Formula Inputs:

The Left Front Tire μ is: 0.7000
 The Left Front Tire % of Braking is: 0.3150
 The Left Front Tire Angular Difference is: 90.0000
 The Right Front Tire μ is: 0.7000
 The Right Front Tire % of Braking is: 0.3150
 The Right Front Tire Angular Difference is: 90.0000
 The Left Rear Tire μ is: 0.7000
 The Left Rear Tire % of Braking is: 0.1850
 The Left Rear Tire Angular Difference is: 90.0000
 The Right Rear Tire μ is: 0.0100
 The Right Rear Tire % of Braking is: 0.1850
 The Right Rear Tire Angular Difference is: 90.0000

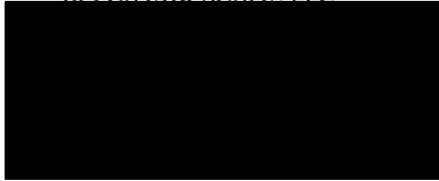
Formula Results:

The Acceleration/Drag Factor is: 0.5723

Calculation Notes:

Deceleration factor for vehicle 1 (WILKERSON) with reduced braking efficiency.
 Roadway coefficient of friction: 0.70.

Stanley B. Cain Accident
Reconstructionist LLC



MINIMUM SPEED W/ KNOWN DRAG FACTOR

Find a Minimum Speed with a skid distance and drag factor.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$S = \sqrt{30 \times D \times f}$$

$$S = \sqrt{30 \times 53.2400 \times 0.4900}$$

$$S = \sqrt{782.6280}$$

$$S = 27.9754$$

*S = The Speed in mph/kph
30 = A Constant
D = The Distance in feet.
f = The Adjusted Accel/Drag Factor*

Formula Inputs:

The Acceleration/Drag Factor is: 0.4900
The Distance in feet is: 53.2400

Formula Results:

The Speed in mph is: 27.9754
The Velocity in fps is: 41.0305

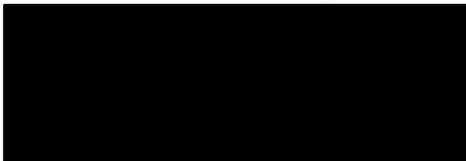
Calculation Notes:

Post impact speed range for vehicle 1 (WILKERSON).

Incrementation Results

<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>
0.4900	27.9754	0.5700	30.1729	0.6500	32.2208
0.5000	28.2595	0.5800	30.4364	0.6600	32.4677
0.5100	28.5407	0.5900	30.6976	0.6700	32.7127
0.5200	28.8191	0.6000	30.9567	0.6800	32.9559
0.5300	29.0949	0.6100	31.2136	0.6900	33.1974
0.5400	29.3681	0.6200	31.4684	0.7000	33.4371
0.5500	29.6388	0.6300	31.7212		
0.5600	29.9070	0.6400	31.9719		

Stanley B. Cain Accident
Reconstructionist, LLC



MINIMUM SPEED W/ KNOWN DRAG FACTOR

Find a Minimum Speed with a skid distance and drag factor.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$S = \sqrt{30 \times D \times f}$$

$$S = \sqrt{30 \times 188.5000 \times 0.1800}$$

$$S = \sqrt{1017.9000}$$

$$S = 31.9045$$

*S = The Speed in mph/kph
30 = A Constant
D = The Distance in feet
f = The Adjusted Accel/Drag Factor*

Formula Inputs:

The Acceleration/Drag Factor is: 0.1800
The Distance in feet is: 188.5000

Formula Results:

The Speed in mph is: 31.9045
The Velocity in fps is: 46.7932

Calculation Notes:

Post impact speed range for vehicle 2 (ASHCRAFT).

Incrementation Results

<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>	<u>Drag F</u>	<u>Speed</u>
0.1800	31.9045	0.2200	35.2718	0.2600	38.3444
0.1900	32.7788	0.2300	36.0645		
0.2000	33.6303	0.2400	36.8401		
0.2100	34.4608	0.2500	37.5998		

Stanley B. Cain Accident
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COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$(W_1 \times V_1) + (W_2 \times V_2) = (W_1 \times V_3) + (W_2 \times V_4)$$

$$(3074.0000 \times V_1) + (3733.0000 \times 0.0000) = (3074.0000 \times 30.9600) + (3733.0000 \times 31.9000)$$

$$(3074.0000 \times V_1) + 0.0000 = 95171.0400 + 119082.7000$$

$$(3074.0000 \times V_1) + 0.0000 = 214253.7400$$

$$(3074.0000 \times V_1) = 214253.7400 - 0.0000$$

$$(3074.0000 \times V_1) = 214253.7400$$

*W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After Impact, Veh 1
V₄ = The Spd After Impact, Veh 2
** This is a Rear End collision ***

$$V_1 = \frac{214253.7400}{3074.0000} \quad V_1 = 69.6986$$

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
The After Impact Speed of Veh 1 is: 30.9600
The Wt of Veh 2 (lbs) is: 3733.0000
The Impact Spd of Veh 2 is: 0.0000
The After Impact Speed of Veh 2 is: 31.9000

Formula Results:

The Spd of Veh 1 in mph is: 69.6986
The Vel of Veh 1 in fps is: 102.2246

Calculation Notes:

Impact speed for both vehicles.
Roadway coefficient of friction: 0.60
100% braking efficiency by vehicle 1 (WILKERSON).

Incrementation Results

<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>
0.0000	69.6986	8.0000	59.9836	16.0000	50.2686
1.0000	68.4843	9.0000	58.7692	17.0000	49.0542
2.0000	67.2699	10.0000	57.5548	18.0000	47.8398
3.0000	66.0555	11.0000	56.3405	19.0000	46.6254
4.0000	64.8411	12.0000	55.1261	20.0000	45.4111
5.0000	63.6267	13.0000	53.9117		
6.0000	62.4124	14.0000	52.6973		
7.0000	61.1980	15.0000	51.4829		

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$(W_1 \times V_1) + (W_2 \times V_2) = (W_1 \times V_3) + (W_2 \times V_4)$$

$$(3074.0000 \times V_1) + (3733.0000 \times 0.0000) = (3074.0000 \times 27.9800) + (3733.0000 \times 31.9000)$$

$$(3074.0000 \times V_1) + 0.0000 = 86010.5200 + 119082.7000$$

$$(3074.0000 \times V_1) + 0.0000 = 205093.2200$$

$$(3074.0000 \times V_1) = 205093.2200 - 0.0000$$

$$(3074.0000 \times V_1) = 205093.2200$$

$$V_1 = \frac{205093.2200}{3074.0000} \quad V_1 = 66.7186$$

*W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After Impact, Veh 1.
V₄ = The Spd After Impact, Veh 2
** This is a Rear End collision ***

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
The After Impact Speed of Veh 1 is: 27.9800
The Wt of Veh 2 (lbs) is: 3733.0000
The Impact Spd of Veh 2 is: 0.0000
The After Impact Speed of Veh 2 is: 31.9000

Formula Results:

The Spd of Veh 1 in mph is: 66.7186
The Vel of Veh 1 in fps is: 97.8539

Calculation Notes:

Impact speed for both vehicles.
Roadway coefficient of friction: 0.60
75% braking efficiency by vehicle 1 (WILKERSON).

Incrementation Results

<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>
0.0000	66.7186	7.0000	58.2180	14.0000	49.7173
1.0000	65.5043	8.0000	57.0036	15.0000	48.5029
2.0000	64.2899	9.0000	55.7892	16.0000	47.2886
3.0000	63.0755	10.0000	54.5748	17.0000	46.0742
4.0000	61.8611	11.0000	53.3605	18.0000	44.8598
5.0000	60.6467	12.0000	52.1461	19.0000	43.6454
6.0000	59.4324	13.0000	50.9317		

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$\begin{aligned}
 (W_1 \times V_1) + (W_2 \times V_2) &= (W_1 \times V_3) + (W_2 \times V_4) \\
 (3074.0000 \times V_1) + (3733.0000 \times 0.0000) &= (3074.0000 \times 33.4400) + (3733.0000 \times 33.6300) \\
 (3074.0000 \times V_1) + 0.0000 &= 102794.5600 + 125540.7900 \\
 (3074.0000 \times V_1) + 0.0000 &= 228335.3500 \\
 (3074.0000 \times V_1) &= 228335.3500 - 0.0000 \\
 (3074.0000 \times V_1) &= 228335.3500 \\
 \\
 V_1 &= \frac{228335.3500}{3074.0000} \qquad V_1 = 74.2795
 \end{aligned}$$

W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After Impact, Veh 1
V₄ = The Spd After Impact, Veh 2
*** This is a Rear End collision ***

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
 The After Impact Speed of Veh 1 is: 33.4400
 The Wt of Veh 2 (lbs) is: 3733.0000
 The Impact Spd of Veh 2 is: 0.0000
 The After Impact Speed of Veh 2 is: 33.6300

Formula Results:

The Spd of Veh 1 in mph is: 74.2795
 The Vel of Veh 1 in fps is: 108.9432

Calculation Notes:

Impact speed for both vehicles.
 Roadway coefficient of friction: 0.70
 100% braking efficiency by vehicle 1 (WILKERSON).

Incrementation Results

IS V ₂	V ₁ Speed	IS V ₂	V ₁ Speed	IS V ₂	V ₁ Speed
0.0000	74.2795	8.0000	64.5645	16.0000	54.8494
1.0000	73.0651	9.0000	63.3501	17.0000	53.6351
2.0000	71.8507	10.0000	62.1357	18.0000	52.4207
3.0000	70.6364	11.0000	60.9213	19.0000	51.2063
4.0000	69.4220	12.0000	59.7070	20.0000	49.9919
5.0000	68.2076	13.0000	58.4926		
6.0000	66.9932	14.0000	57.2782		
7.0000	65.7789	15.0000	56.0638		

Stanley B. Cain Accident
Reconstructionist LLC



COLLINEAR MOMENTUM

Find the Impact Speed of Vehicle 1 with In-Line Momentum.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

$$(W_1 \times V_1) + (W_2 \times V_2) = (W_1 \times V_3) + (W_2 \times V_4)$$

$$(3074.0000 \times V_1) + (3733.0000 \times 0.0000) = (3074.0000 \times 30.1700) + (3733.0000 \times 33.6300)$$

$$(3074.0000 \times V_1) + 0.0000 = 92742.5800 + 125540.7900$$

$$(3074.0000 \times V_1) + 0.0000 = 218283.3700$$

$$(3074.0000 \times V_1) = 218283.3700 - 0.0000$$

$$(3074.0000 \times V_1) = 218283.3700$$

*W₁ = The Wt of Veh 1 in pounds
W₂ = The Wt of Veh 2 in pounds
V₁ = The Speed of Veh 1 in mph
V₂ = The Speed of Veh 2 in mph
V₃ = The Spd After Impact, Veh 1
V₄ = The Spd After Impact, Veh 2
** This is a Rear End collision.***

$$V_1 = \frac{218283.3700}{3074.0000} \quad V_1 = 71.0095$$

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3074.0000
The After Impact Speed of Veh 1 is: 30.1700
The Wt of Veh 2 (lbs) is: 3733.0000
The Impact Spd of Veh 2 is: 0.0000
The After Impact Speed of Veh 2 is: 33.6300

Formula Results:

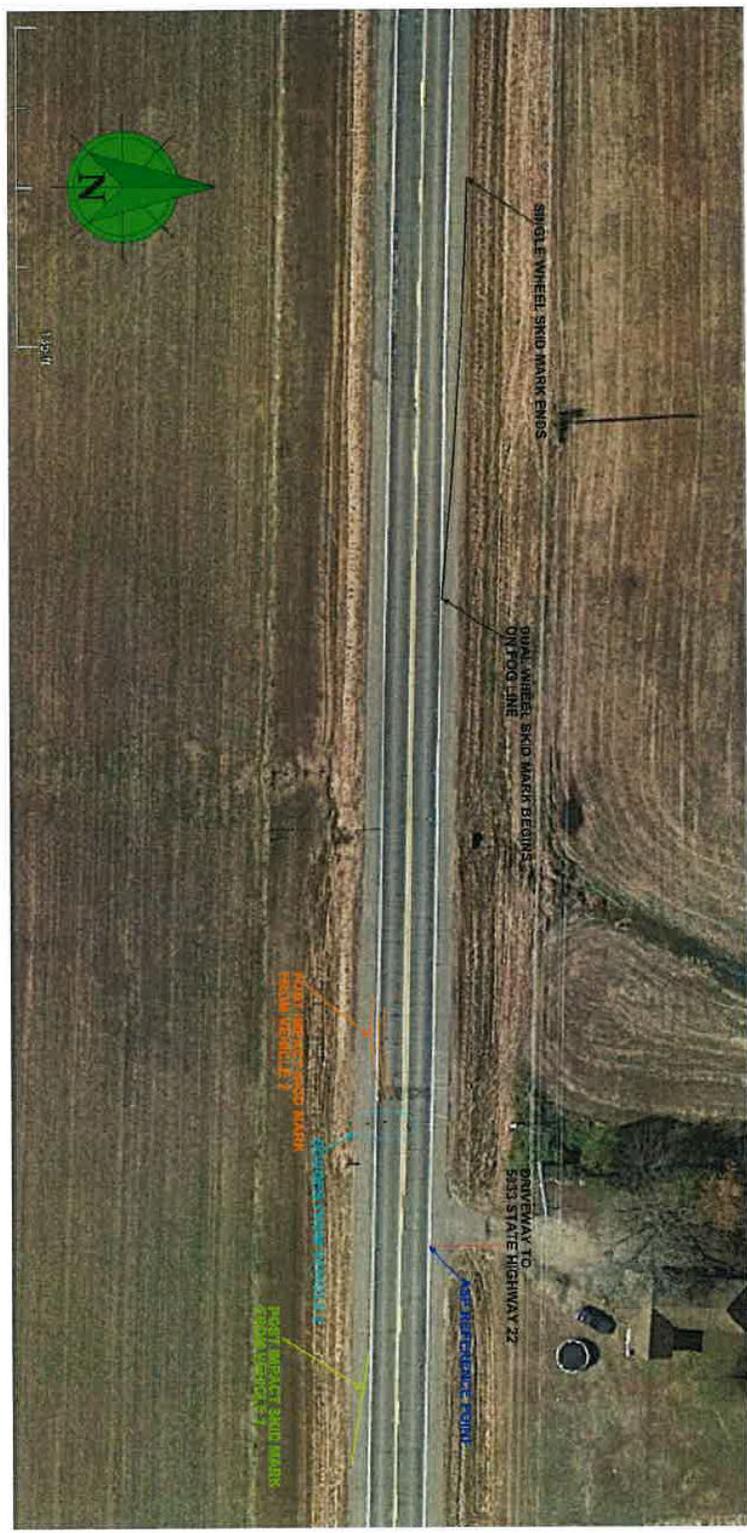
The Spd of Veh 1 in mph is: 71.0095
The Vel of Veh 1 in fps is: 104.1472

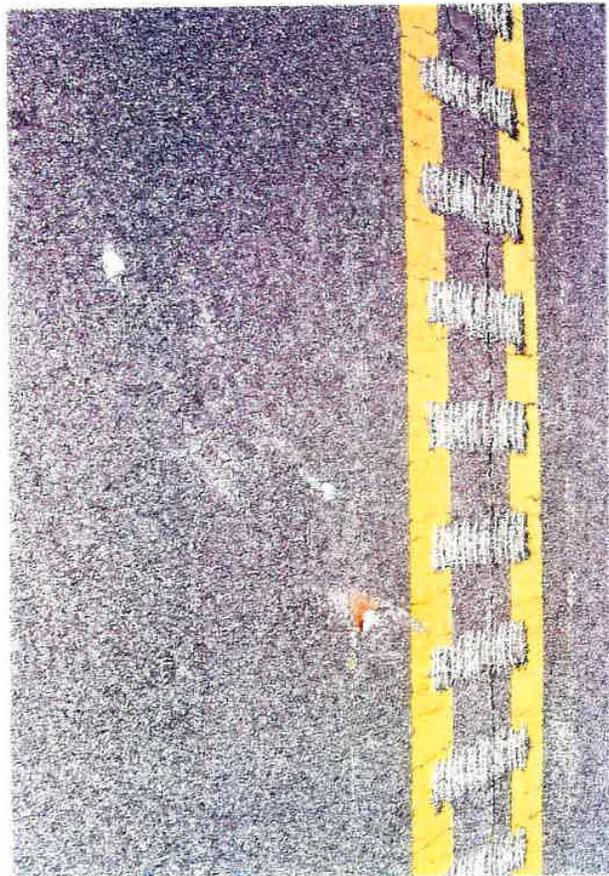
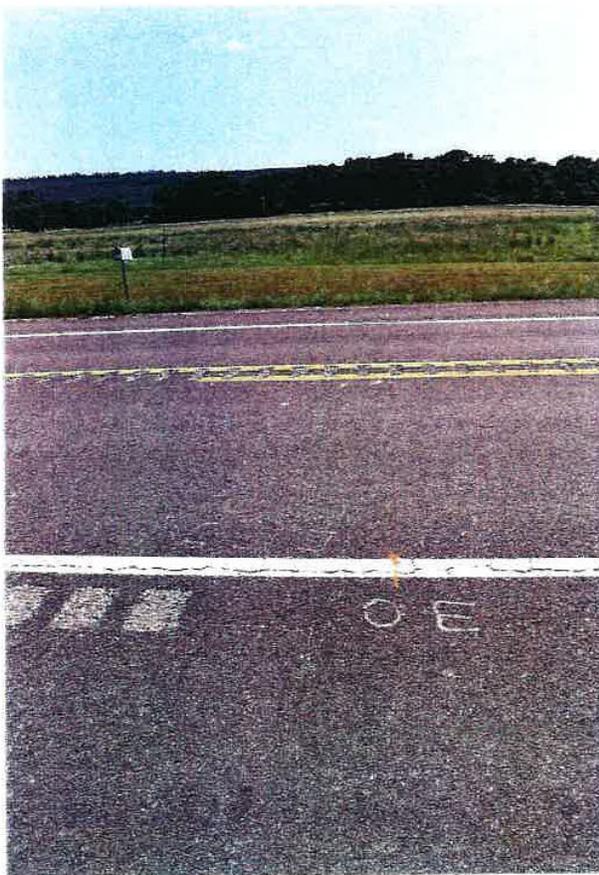
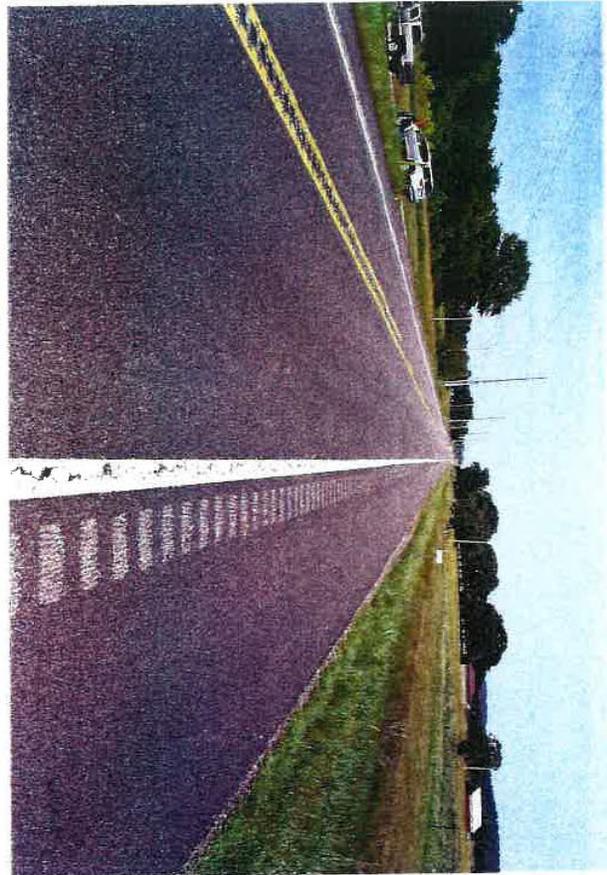
Calculation Notes:

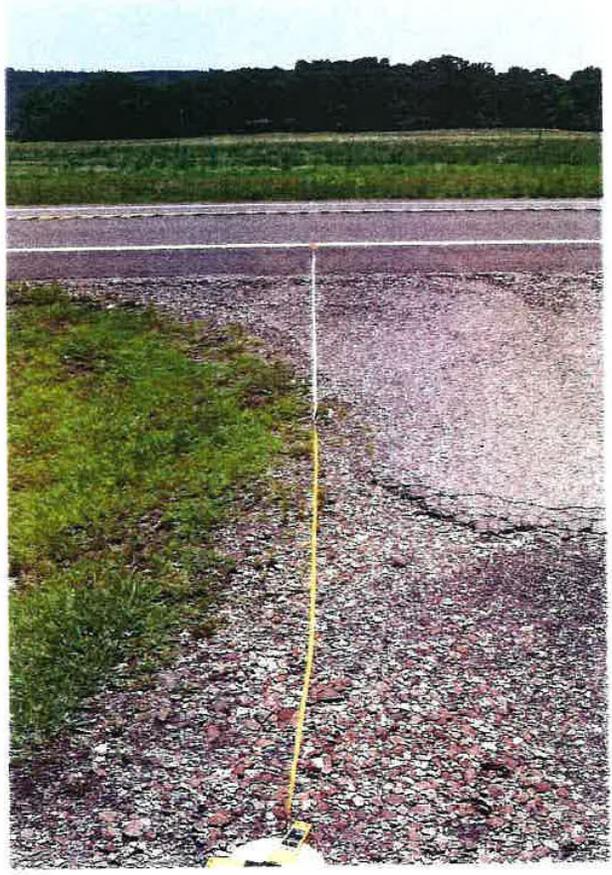
Impact speed for both vehicles.
Roadway coefficient of friction: 0.70
75% braking efficiency by vehicle 1 (WILKERSON).

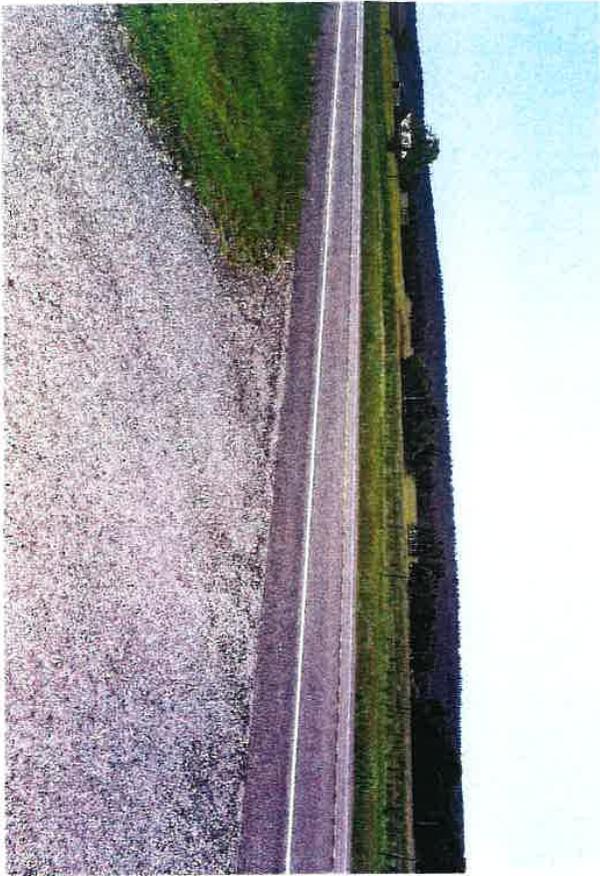
Incrementation Results

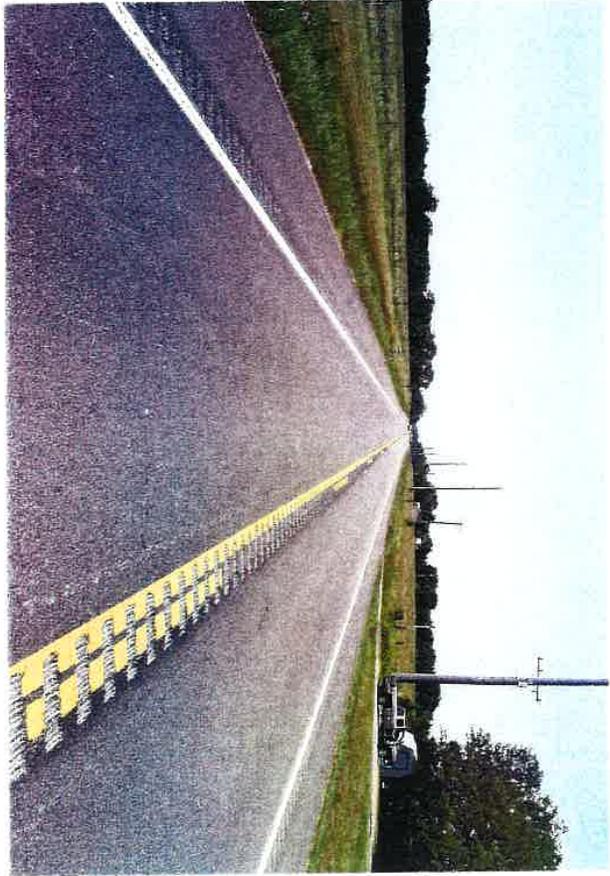
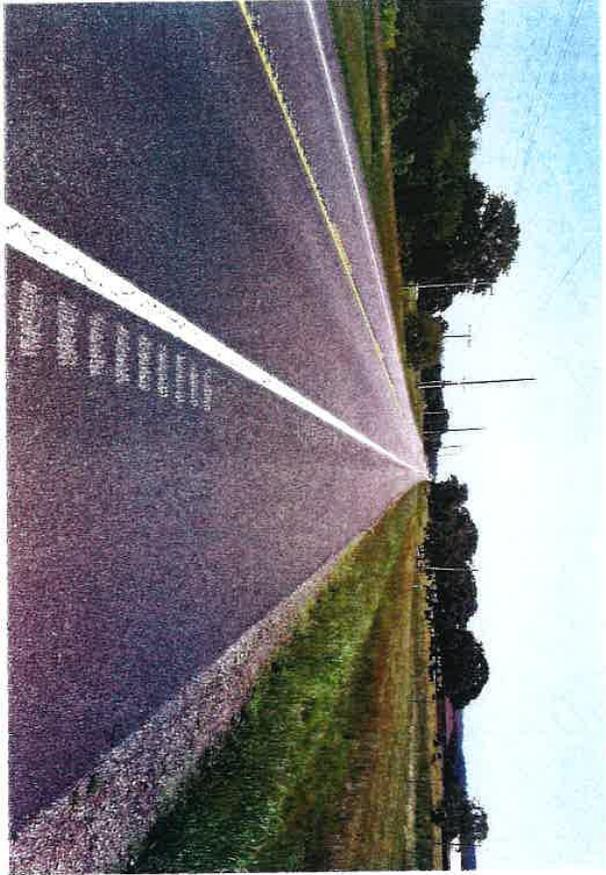
<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>	<u>IS V₂</u>	<u>V₁ Speed</u>
0.0000	71.0095	8.0000	61.2945	16.0000	51.5794
1.0000	69.7951	9.0000	60.0801	17.0000	50.3651
2.0000	68.5807	10.0000	58.8657	18.0000	49.1507
3.0000	67.3664	11.0000	57.6513	19.0000	47.9363
4.0000	66.1520	12.0000	56.4370	20.0000	46.7219
5.0000	64.9376	13.0000	55.2226		
6.0000	63.7232	14.0000	54.0082		
7.0000	62.5089	15.0000	52.7938		

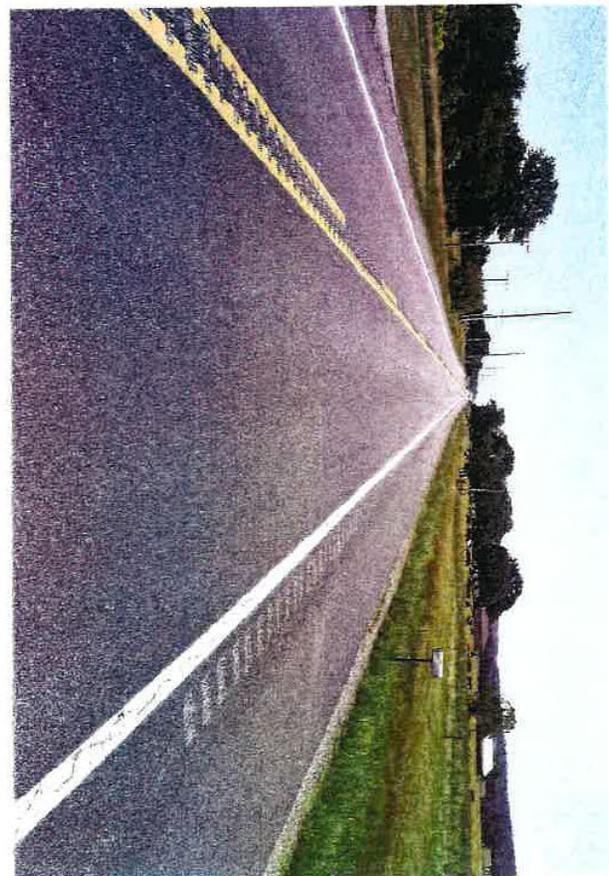
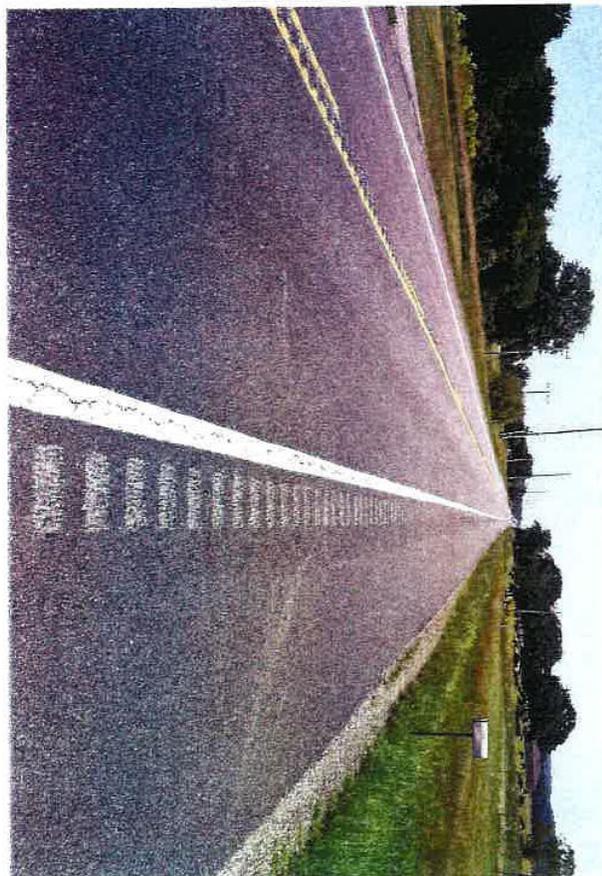
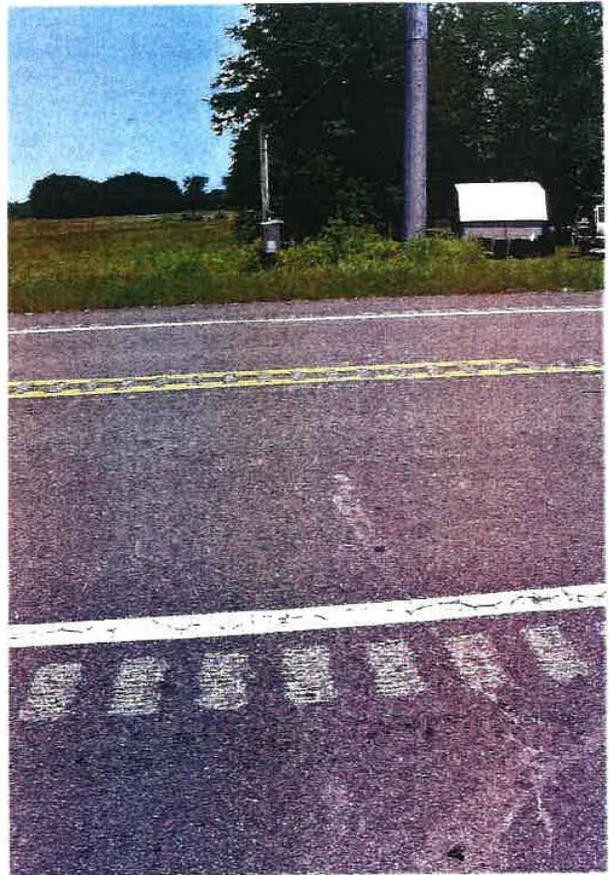


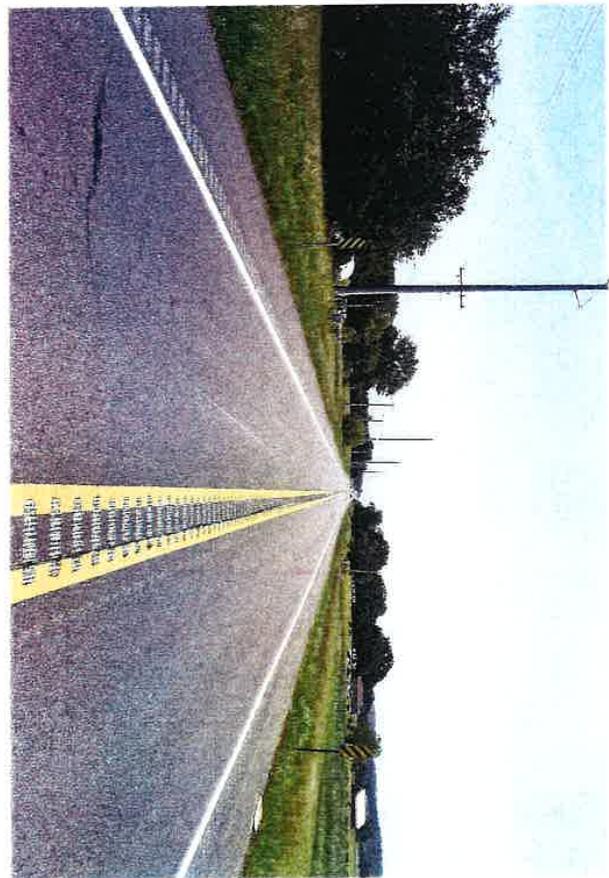
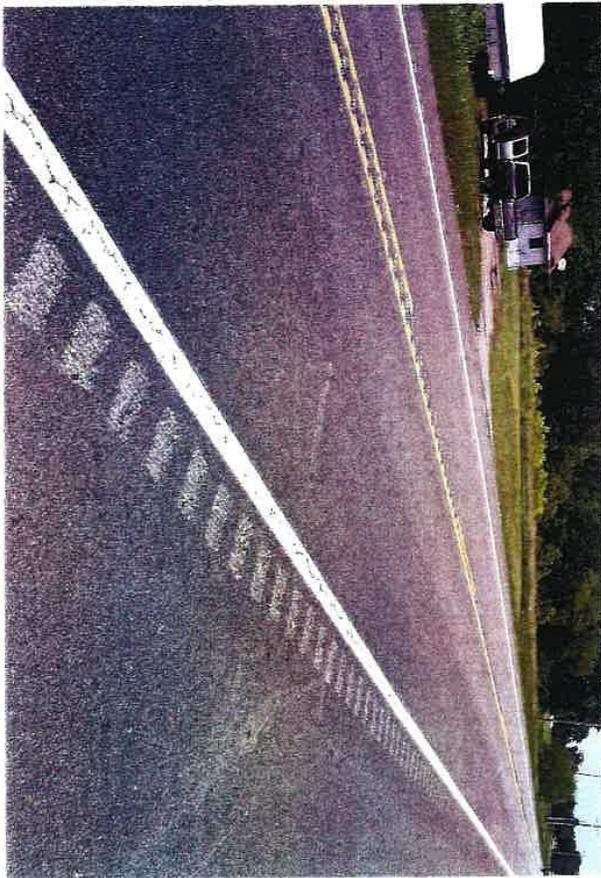
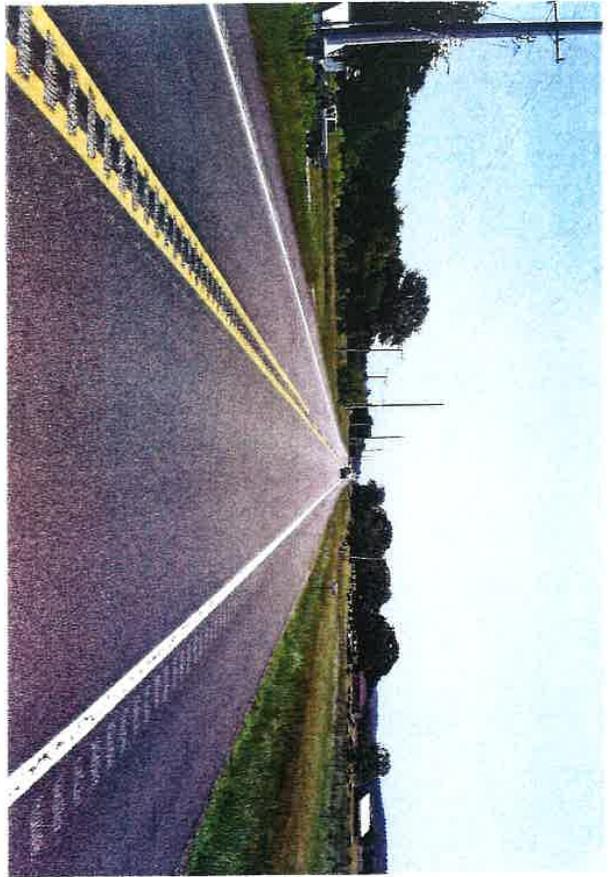


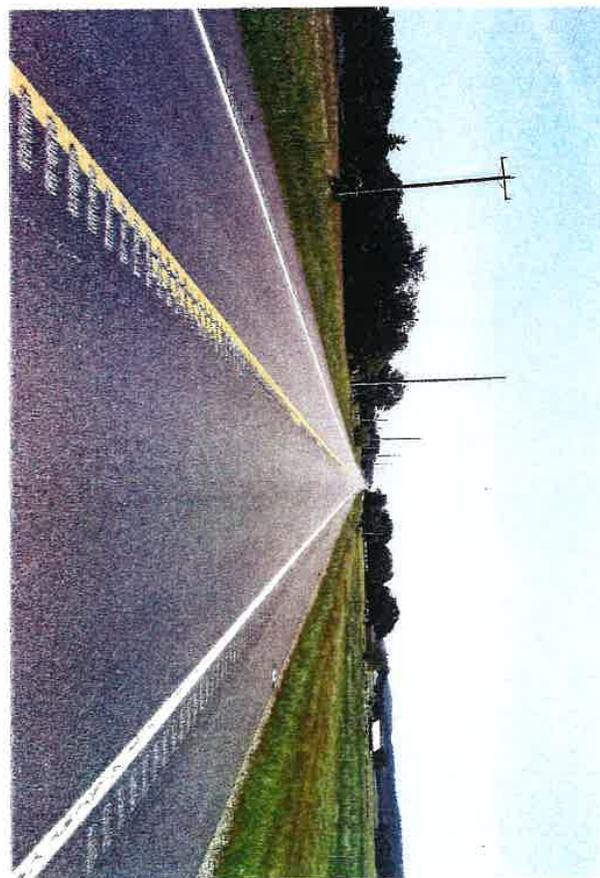
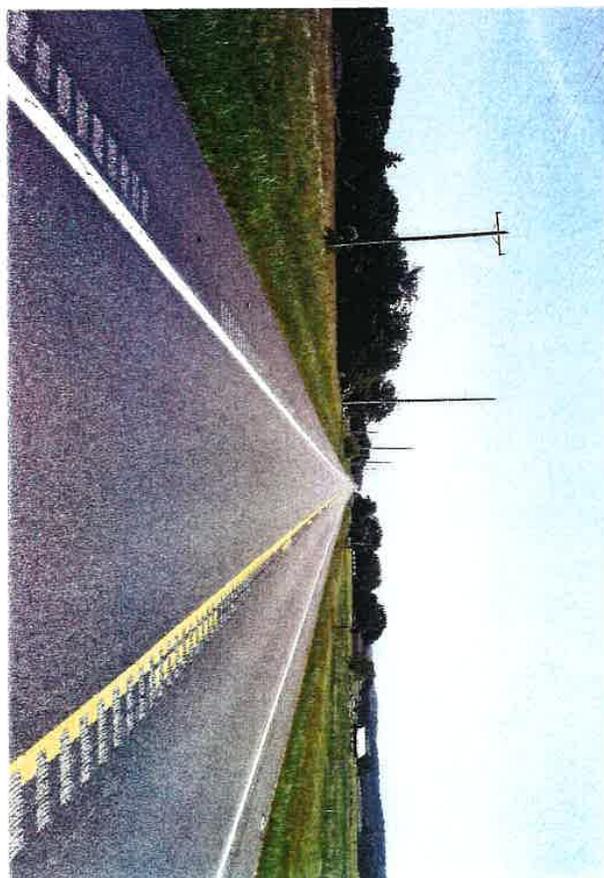


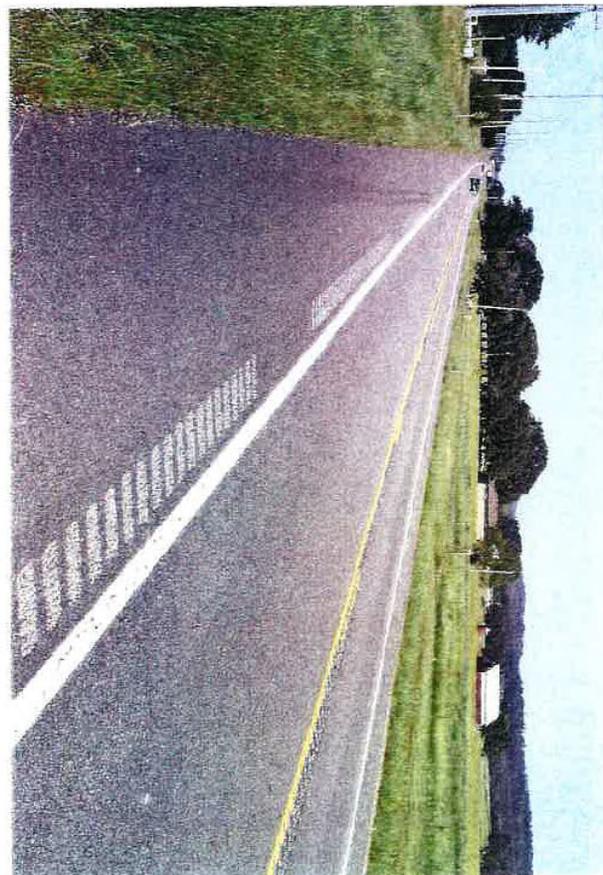
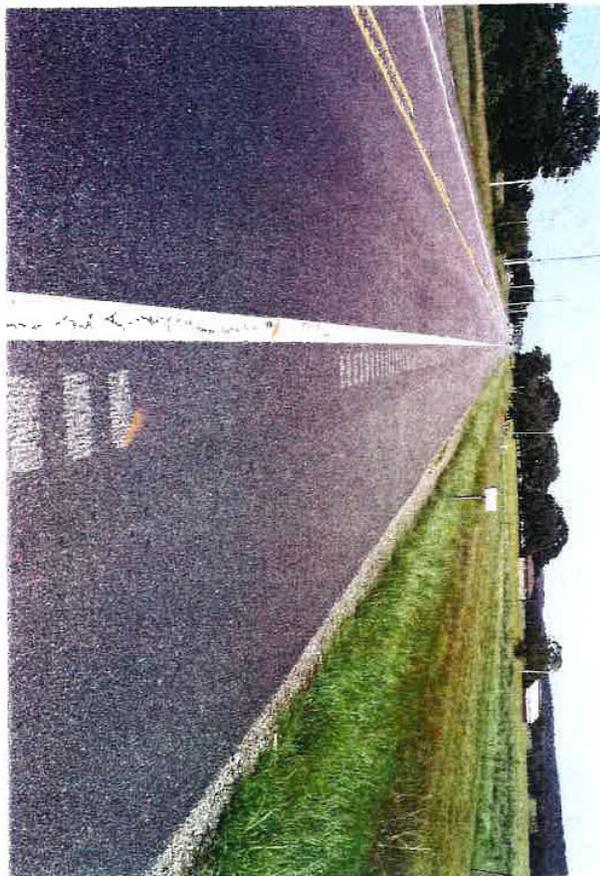
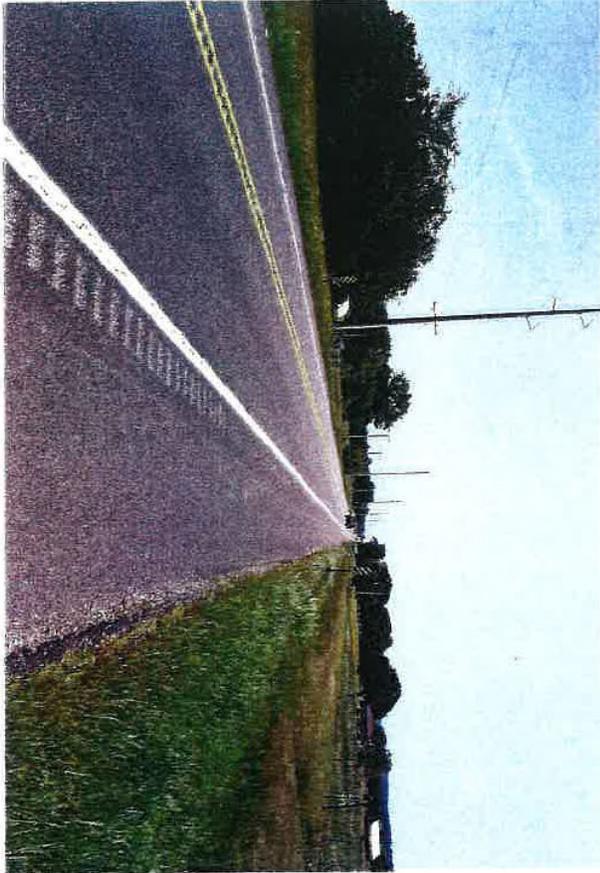


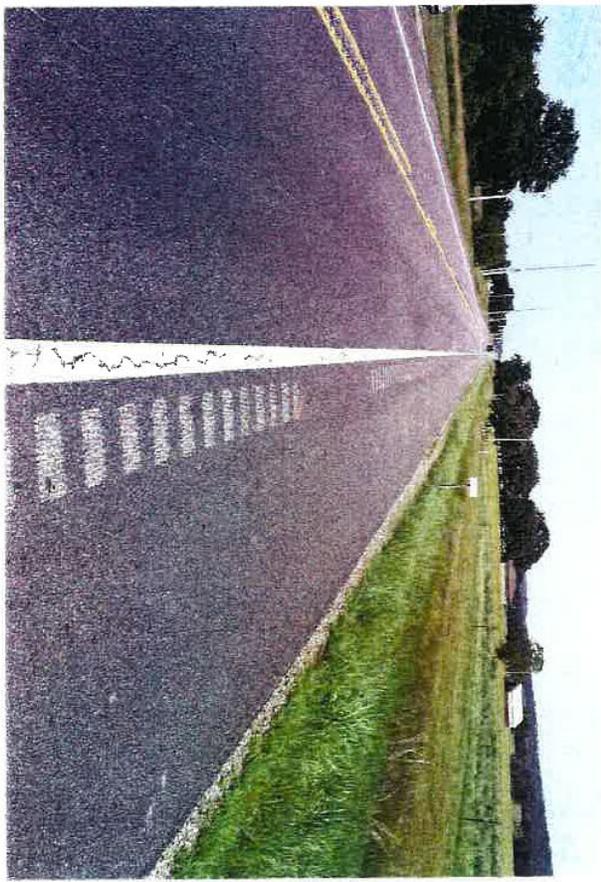
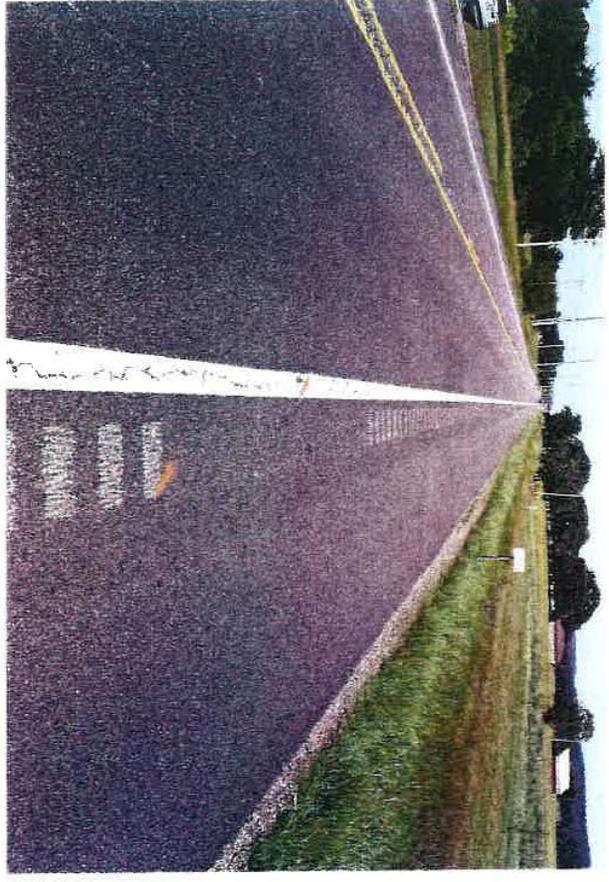
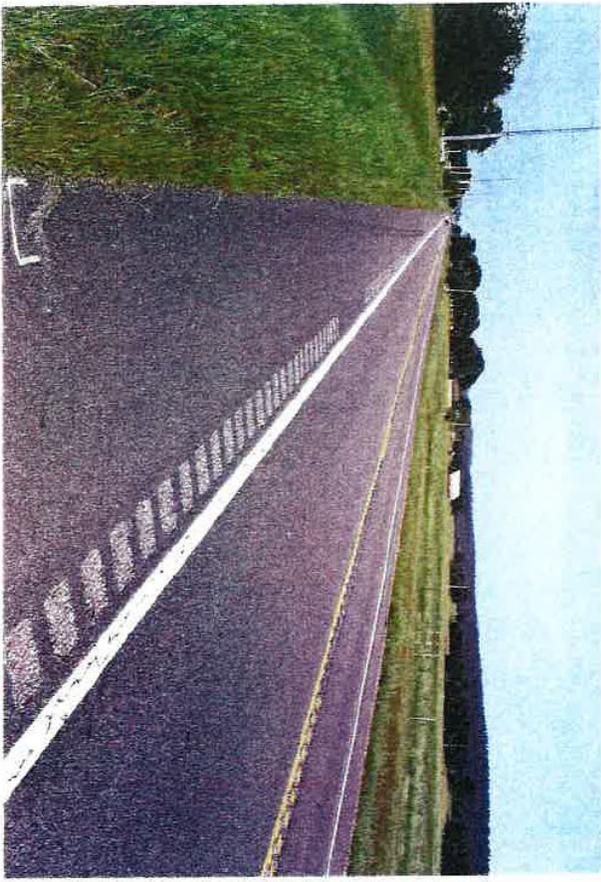






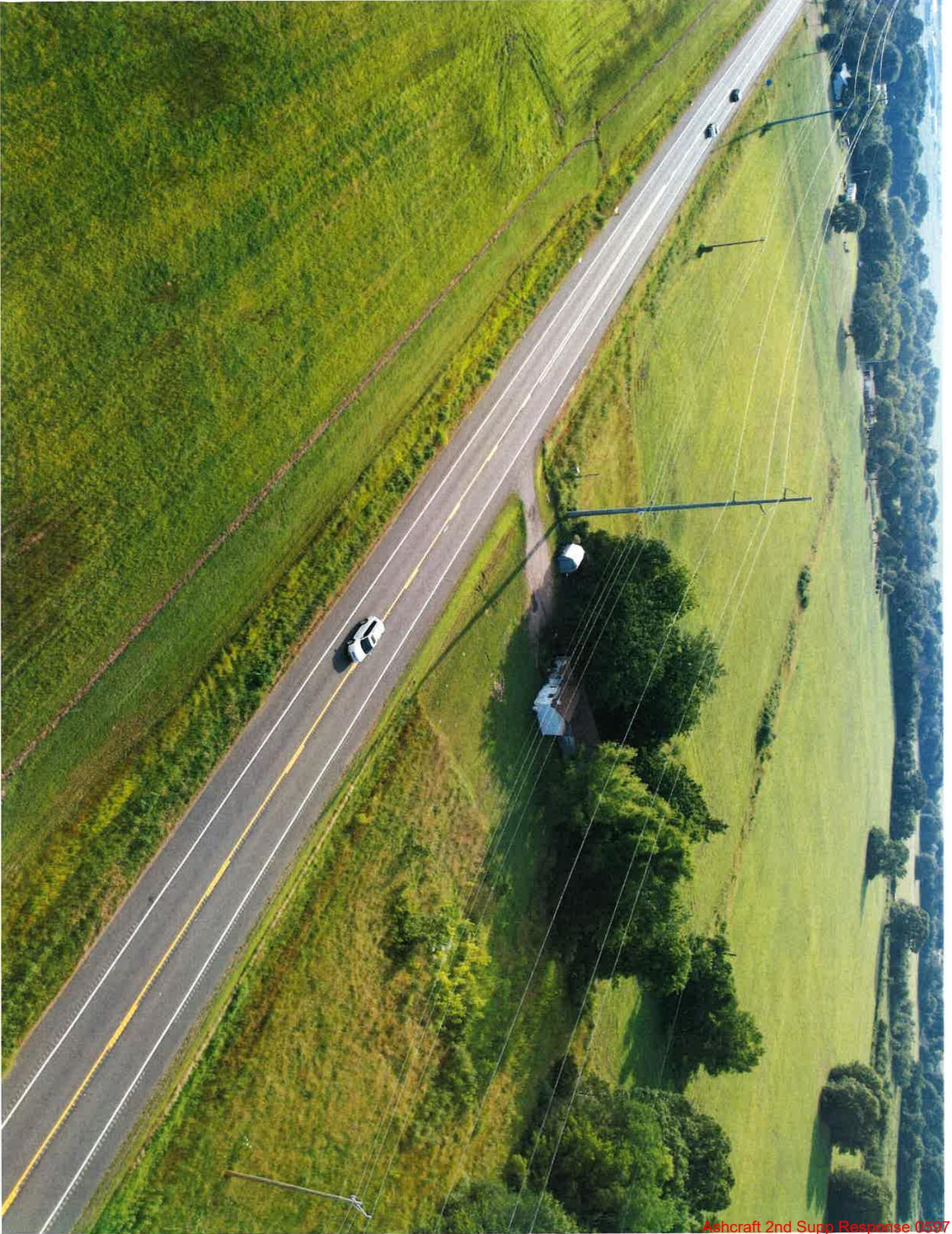








Ashcraft 2nd Supp Response 0596



Ashcraft 2nd Supp Response 0597





CURRICULUM VITAE**Stanley Bruce Cain****Accredited Traffic Accident Reconstructionist (ACTAR)**

EMPLOYMENT HISTORY

July 1995 to Dec 2020: Rogers, Arkansas Police Department-Police Officer.

- Assigned to the Uniform Operations Division as a Patrol Corporal, from February 2016 to December 2020.
- Assigned to the Traffic Unit as a Traffic Unit Corporal, from May 2011 to February 2016, as a collision investigator.
- Assigned to the Criminal Investigation Division as a Detective, from May 2010 to May 2011.
- Assigned to the Traffic Unit as a Patrolman, from September 1997 to October 2009, as a collision investigator.
- Investigated approximately 4,361 motor vehicle collisions, assisted with the investigation of additional 873 motor vehicle collisions and completed reconstruction investigation in 41 motor vehicle collisions, as of 12/31/2020.
- Testified in numerous trials and depositions, in both district court and circuit court, regarding collision investigations.

Oct 1991 to July 1995: University of Arkansas, Fayetteville, Arkansas-Research Specialist

- Assisted the Project Leader with the Variety Testing Program with agronomic crops.
- Assisted and participated in all phases of the evaluations, including sample packaging, plot layout, planting, managing, harvesting, sample processing, data processing and preparing final publications.

EDUCATION

- Bachelor of Science in Agriculture, University of Arkansas, Fayetteville, AR, December 1990.

REV. 3/01/2023

SPECIALIZED EDUCATION AND TRAINING

- October 1995: Basic Police Training Course (Basic Class 95-D), Arkansas Law Enforcement Training Academy, 400 hours.
- November 1998: Highway-Railroad Grade Crossing Collision Investigation, Operation Lifesaver Inc., 16 hours.
- Curriculum included: elements of a grade crossing collision, locating and documenting physical evidence and interviewing.
- August 1999: Advanced Collision Investigation, Texas A and M University-Engineering and Extension Service, 80 hours.
- Curriculum included: speed calculation from skid marks and yaw marks, stopping distances, radius calculation, combined speed calculation, applications of trigonometry, collision scene diagramming, airborne speed calculation, speed calculation with pedestrian collision and conservation of linear momentum.
- January 2000: At-Scene Traffic Accident Investigation, University of North Florida-Institute of Police Technology and Management, correspondence study.
- Curriculum included: series of events, human element, environmental factors, identification of roadway marks and evidence, vehicle damage and defects, speed estimates, field measurements and diagrams.
- May 2001: Collision Reconstruction, Texas A and M University-Engineering and Extension Service, 80 hours.
- Curriculum included: kinetic energy calculations, speed loss calculations, time and distance calculations, conservation of linear momentum, vector diagramming, change in velocity, principal direction of force and case studies.
- June 2005: Speed Determination from Crush Analysis, Riverside County California Sheriff's Office, 40 hours.
- Curriculum included: techniques and methods for measuring crush profile, calculating balanced forces, determination of principle direction of force, calculation of stiffness coefficients and barrier equivalent velocity.
- November 2008: Side Underride Analysis, The Engineering Institute, 8 hours.
- Curriculum included: history and development of DOT bumper requirements, familiarization with coefficient values and calculations and live test crash demonstrations.

REV. 3/01/2023

April 2019	<p>ACTAR Test Preparation-Comprehensive, University of North Florida-Institute of Police Technology and Management, 40 hours.</p> <ul style="list-style-type: none"> • Curriculum included: photography, airborne speed calculation, conservation of linear momentum, time and distance calculation, kinetic energy calculation, pedestrian collision investigation and commercial vehicle collision investigation.
August 2020	<p>vCRASH Interface and vCRASH Simulation Basics, Virtual Crash Accident Reconstruction Software-vCRASH Academy</p> <ul style="list-style-type: none"> • Curriculum included: navigating workspace and commands, modifying and moving objects, introduction to CAD tools and simulations in Virtual Crash, auto driver tools and vehicle/pedestrian collision simulation.
January 2022	<p>PhotoModeler for Collision Investigation, PhotoModeler Technologies, 32 hours.</p> <ul style="list-style-type: none"> • Curriculum included: photography techniques, scene diagramming, scene mapping, and crush measurements from photographs; collecting photographs from unknown cameras, use of point clouds in diagramming and collecting measurements.
October 2022	<p>Advanced HVEDR Systems, Texas Association of Accident Reconstruction Specialists, 21 hours.</p> <ul style="list-style-type: none"> • Curriculum included: Introduction and familiarization with components found on commercial vehicles that record event data from engine control modules, ABS braking systems, trailers, and transmissions.

LAW ENFORCEMENT TRAINING

November 1995	Police Traffic Radar Operator, Rogers Police Department.
November 1995	DWI Standardized Field Sobriety Testing, UALR Criminal Justice Institute.
November 1997	Managing Eyewitness Identification and Confessions, UALR Criminal Justice Institute.
February 1998	Defensive Driving, Thompson Driving Systems.
December 1998	Field Training Officer Certification, Arkansas Law Enforcement Training Academy.
January 1999	Instructor Development, Arkansas Law Enforcement Training Academy.
March 1999	DWI Standardized Field Sobriety Instructor Certification, UALR Criminal Justice Institute.

REV. 3/01/2023

March 2000	The Reid Technique of Interviewing and Interrogation, John E. Reid and Associates.
May 2002	Detective and New Criminal Investigator, Public Agency Training Council.
September 2015	P.R.I.M.E. T.I.M.E Interview School, Rogers Police Department.

TEACHING EXPERIENCE

December 1998 to December 2020	Field Training Officer: Instructed 51 new police officer recruits in on-scene collision investigation.
June 2000 to December 2020	Traffic Radar Operator Instructor.
2006 to 2009 2012 to Present	Vehicle Collision Investigation, Arkansas Law Enforcement Training Academy-Northwest, Basic Police Training Course
November 2017	Motor Vehicle Collision Investigation: Plaintiff's Personal Injury from Start to Finish, National Business Institute.

ACCREDITATION

2006 to 2011 2019 to Present	Accreditation Commission for Traffic Accident Reconstruction (ACTAR) Awarded full accreditation as a Traffic Accident Reconstructionist. Registration No. 1686.
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PROFESSIONAL MEMBERSHIPS

- National Association of Professional Accident Reconstruction Specialists (NAPARS). Member No. 22186.
- International Network of Collision Reconstructionists (INCR).

AWARDS

October 1995	Special Achievement Award-3 rd Place in Academics, Basic Police Training Course Class 95-D, Arkansas Law Enforcement Training Academy.
February 2001	The Raven Foundation Officer Appreciation and Achievement Award for 2000.
REV. 3/01/2023	

PUBLICATIONS

Dombek, D.G., and S.B. Cain. 1992 Arkansas Soybean Performance Tests, University of Arkansas Department of Agronomy.

Dombek, D.G., and S.B. Cain. 1992 Arkansas Corn and Grain Sorghum Performance Tests, University of Arkansas, Department of Agronomy.

Dombek, D.G., and S.B. Cain. 1993 Arkansas Soybean Performance Tests, University of Arkansas Department of Agronomy.

Dombek, D.G., and S.B. Cain. 1993 Arkansas Corn and Grain Sorghum Performance Tests, University of Arkansas, Department of Agronomy.

Dombek, D.G., R.D. Bond, and S.B. Cain. 1994 Arkansas Soybean Performance Tests, University of Arkansas, Department of Agronomy.

Dombek, D.G., R.D. Bond, and S.B. Cain. 1994 Arkansas Corn and Grain Sorghum Performance Tests, University of Arkansas, Department of Agronomy.

Dombek, D.G., D.K. Ahrent, R.D. Bond, and S.B. Cain. 1995 Arkansas Soybean Performance Tests, University of Arkansas, Department of Agronomy.

Dombek, D.G., D.K. Ahrent, R.D. Bond, and S.B. Cain. 1995 Arkansas Corn and Grain Sorghum Performance Tests, University of Arkansas, Department of Agronomy.

REV. 3/01/2023

Stanley B. Cain Accident Reconstructionist, LLC

Available Services

- Consultation, review and analysis of the police motor vehicle collision report and any documentation available.
- Detailed measurements, photographs, or video recording of the collision scene to document: the traffic controls present, line-of-sight obstructions, environmental factors, vehicle damage and any other pertinent evidence as it pertains to the client's case.
- Scaled CAD drawn diagram of the collision scene to document: lane configuration, roadway geometry, line of sight obstructions, witness location, tire marks and roadway evidence.
- Detailed interviews of drivers, passengers, witnesses, and all other individuals as needed to complete a thorough investigation.
- Vehicle speed calculation from: visible skid marks, yaw marks, linear momentum analysis, crush analysis and airborne scenarios.
- Reconstruction and investigation of pedestrian/bicyclist collisions.
- Reconstruction and investigation of motorcycle collisions.
- Reconstruction and investigation of commercial vehicle collisions.
- Reconstruction and investigation of collisions at signalized intersections and railroad grade crossings.
- Time/distance/speed analysis for vehicles, pedestrians, and bicyclists.
- Vehicle lamp analysis.
- Detailed written reports of the collision investigation and/or reconstruction, along with the needed documentation, diagrams, and photographs.
- Appearances for testimony, deposition or consultation as needed by the client.

If there are questions regarding a service listed or not listed, please feel free to contact me.

Costs and Fees

- A client may request an initial consultation for \$300.00. The consultation includes a preliminary review and familiarization with the client's case by allowing a review of any reports, statements, photographs, documentation, etc., that the client will make available. After the review, the consultation also includes two hours with the client, either in person or by phone, to discuss the preliminary review and answer questions pertaining to the investigation.
- A client may also request a complete investigation of the collision which includes: the above listed consultation, a scaled scene diagram and/or collision simulation, scene inspection and photographs, vehicle inspection and photographs of the available vehicles, witness location and interview, a reconstruction calculations report, and a detailed written report discussing the analysis and conclusion, is available for \$1500.00 plus \$0.55/mile for mileage accumulated after 200 miles of travel required for the investigation and inspections.
- Appearances for court testimony and/or deposition is \$50.00/ hour.

REV. 3/01/2023



May 17, 2023

Mr. Stanley Cain
Cain Accident Reconstruction
P.O. Box 836
Waldron, AR 72958-0836

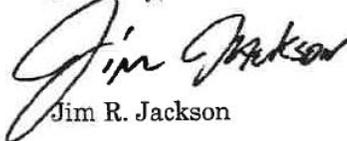
Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased
and Permanent Guardian of [REDACTED] Minor
Children v. Arkansas Department of Human Services
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Mr. Cain:

Please find enclosed a check in the amount of \$750.00 as a retainer in the above referenced matter. Please bill against this and send me an invoice to compensate you for your time in this matter.

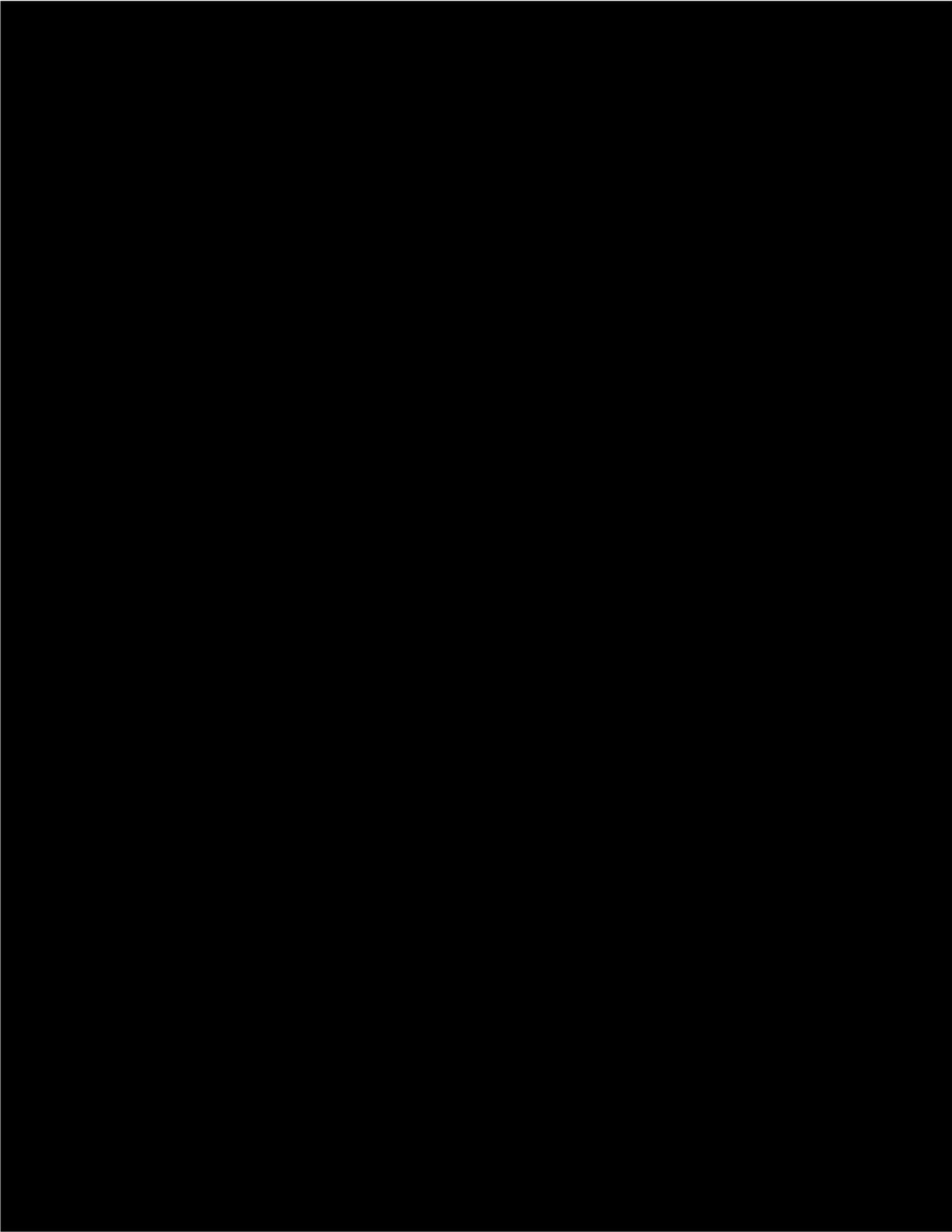
Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is Jim@JimJacksonatty.com.

Sincerely,



Jim R. Jackson

✓JRJ/mc
Enclosure



Jim Jackson

From: Jim Jackson
Sent: Wednesday, May 17, 2023 8:51 AM
To: [REDACTED]
Cc: Martha Cox
Subject: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED] Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident
Attachments: Accident Report_Ashcraft.pdf; Hwy 22 Facing East in Same direction Jennifer Wilkerson was traveling.jpg

Stan,

Please find attached a copy of Trooper James Ray's Accident report with 3 pages of diagrams at the back. Also attached is a JPG from the Logan County Sheriff's Facebook page.

Below is a link to the JPG images that Trooper Ray had as part of his file.

 [High Resolution photos from Trooper James Ray](#)

Below is a link to the photos in PDF Format with a Table of Contents.

 [Crash Scene Photos by Trooper James Ray.pdf](#)

Below is a link to photos I took on Tuesday May 16, 2023 with my best attempt at naming them.

 [Photos by Jim on May 16, 2023](#)

Please let me know if you have any issues opening any of these files or folders. Also, I need your Mailing Address.

Thank you,

Jim

**Jim Jackson**

Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611



Jim Jackson

From: Stanley Cain [REDACTED]
Sent: Wednesday, May 17, 2023 1:45 PM
To: Jim Jackson
Subject: Jacqueline Ashcraft Collision in Logan County

Jim:

I received your email. I got the following:

ASP report
Photos by Trooper Ray
31 page PDF with scene photos
The photos that you took yesterday
Facebook post photo

Thanks for gathering all that up for me. I plan on going to the scene on Saturday. I will check in with you and give you an update next week.

My mailing address is listed below. Thank you.

Stanley Cain
Stanley B. Cain Accident Reconstructionist, LLC
PO Box 836, Waldron, AR 72958



Sent from [Mail](#) for Windows 10



May 18, 2023

Mr. Stanley Cain
Cain Accident Reconstruction
P.O. Box 836
Waldron, AR 72958-0836

Re: *Haley Hudson, Special Adm'x of the Estate of
Jacqueline Lynn Ashcraft, deceased and Permanent
Guardian of [REDACTED]
Minor Children v. Arkansas Department of Human Services
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County*

Dear Mr. Cain:

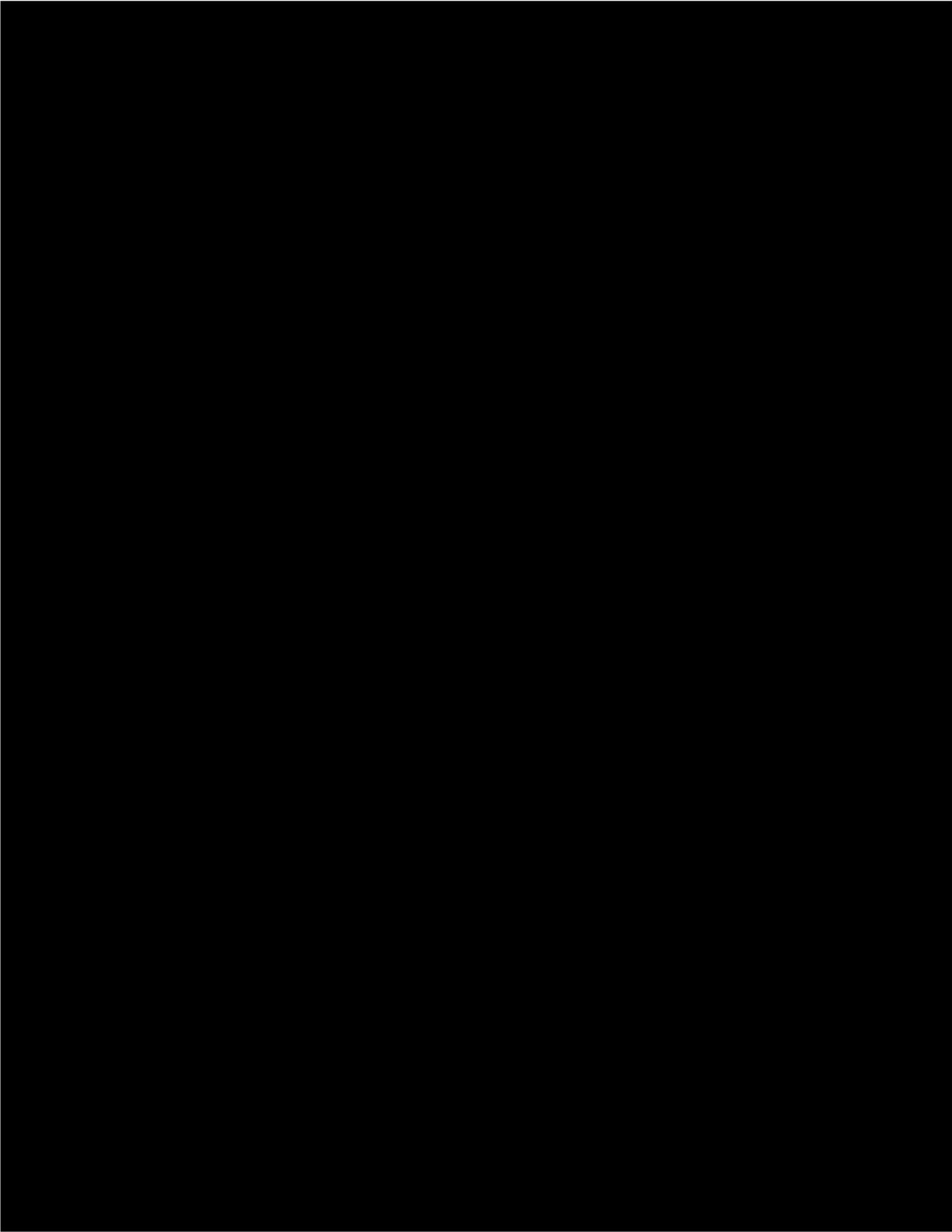
Please find enclosed additional documents regarding the above matter that were not sent to you yesterday.

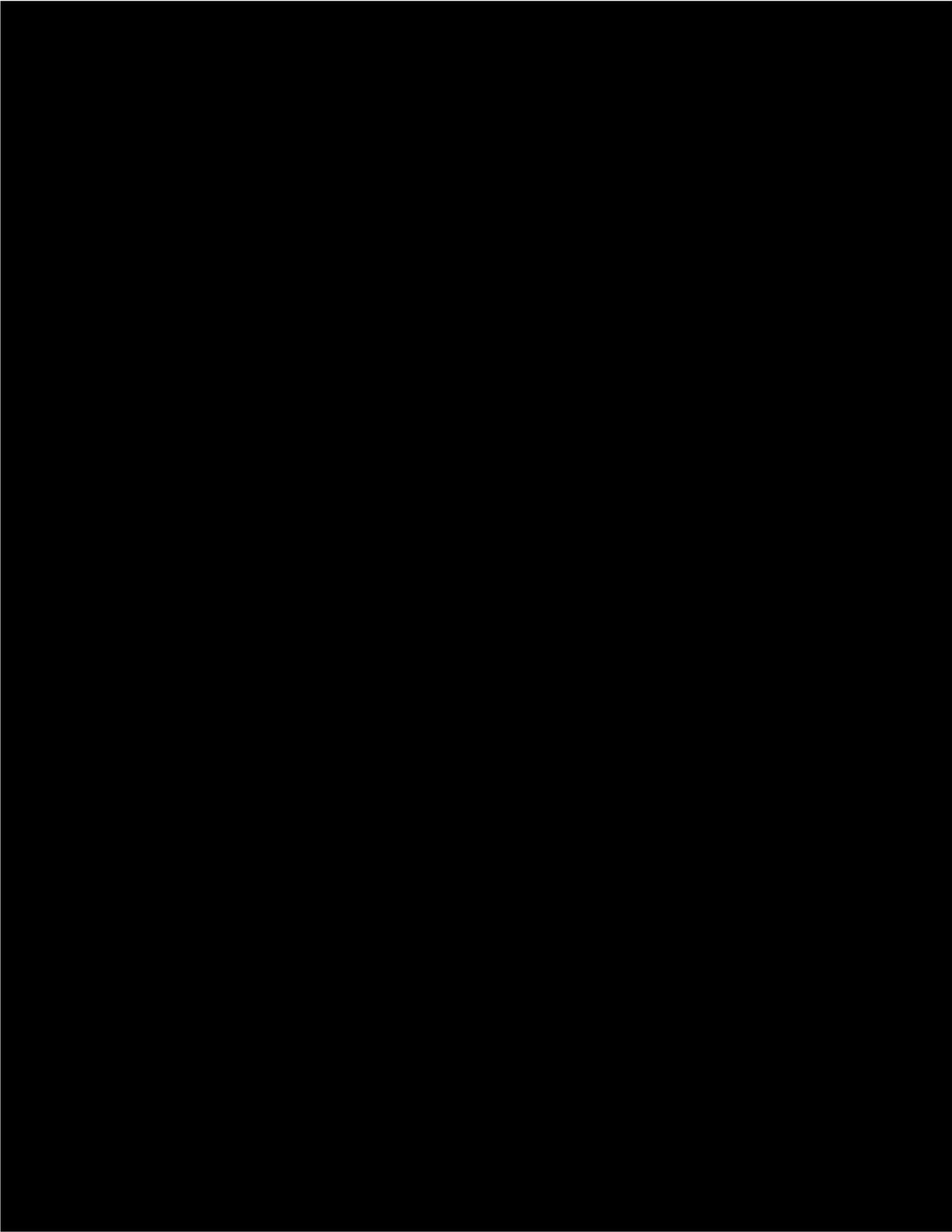
Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is Jim@JimJacksonatty.com.

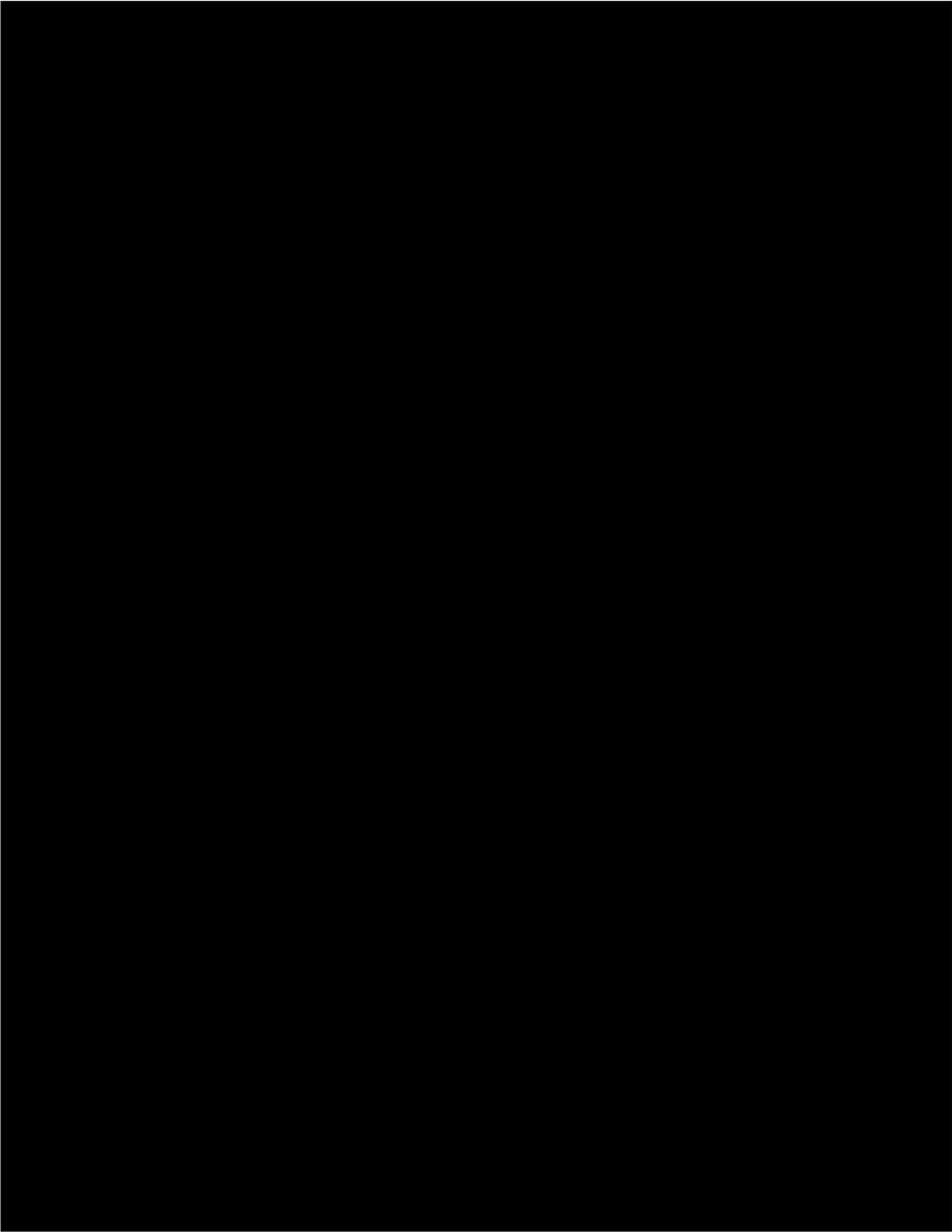
Sincerely,

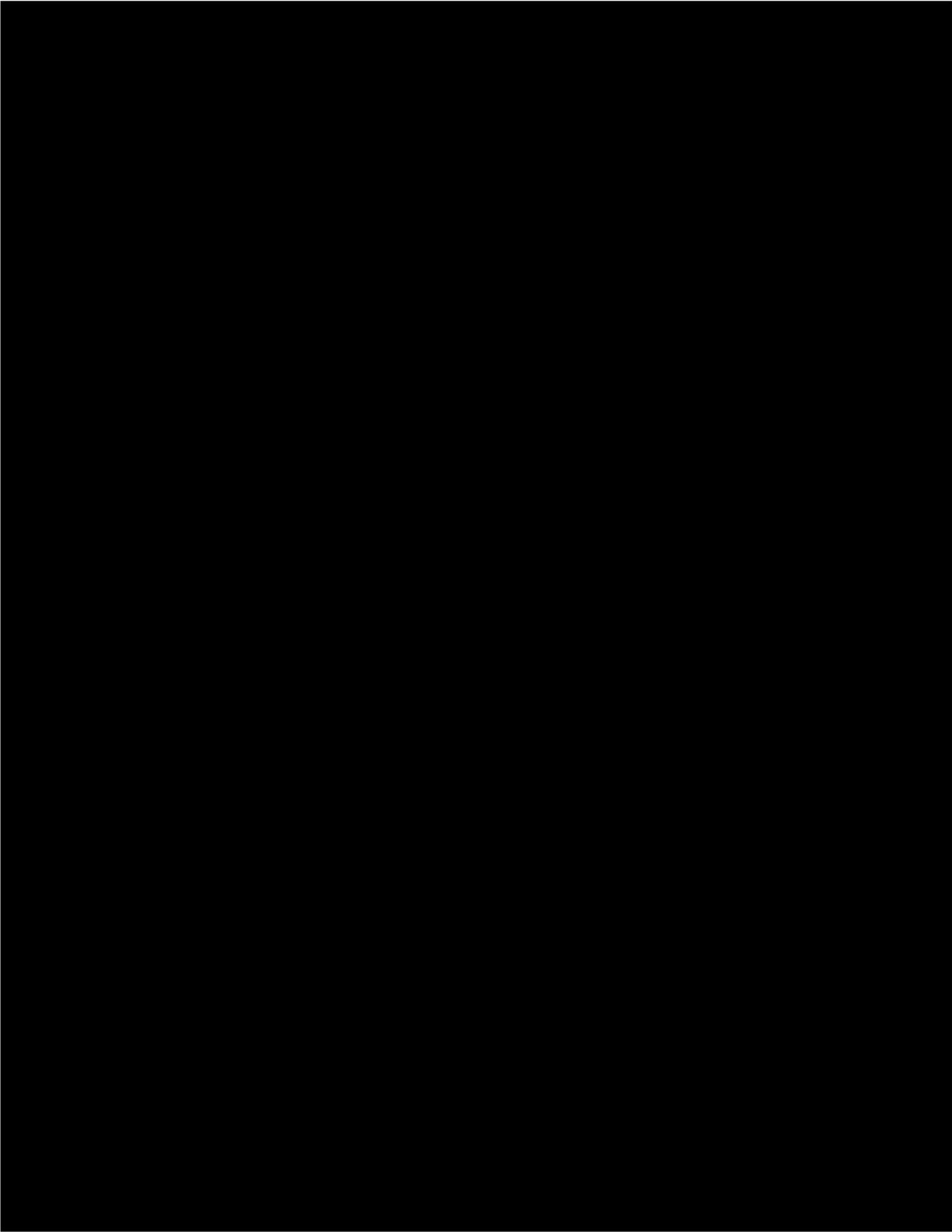
Jim R. Jackson

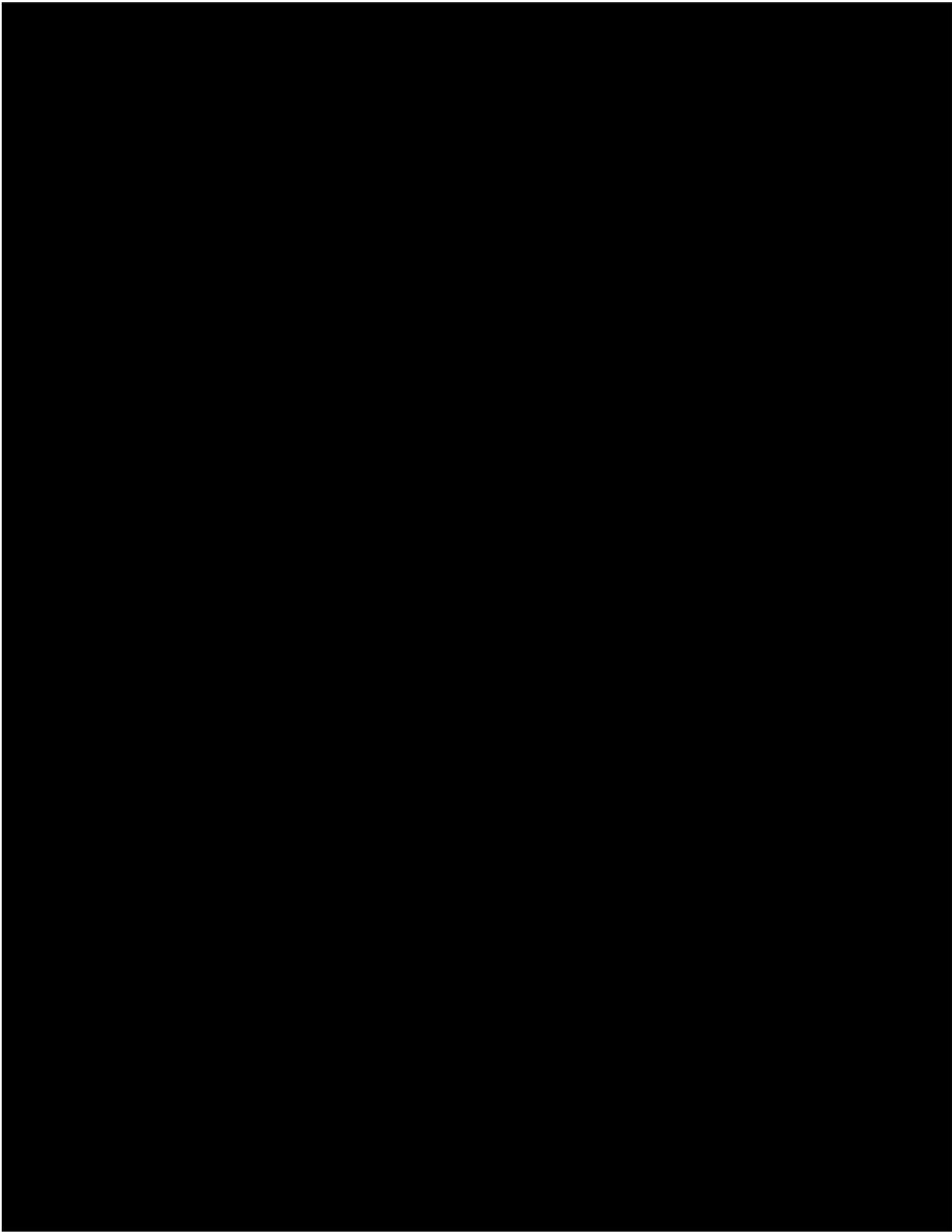
JRJ/mc
Enclosures

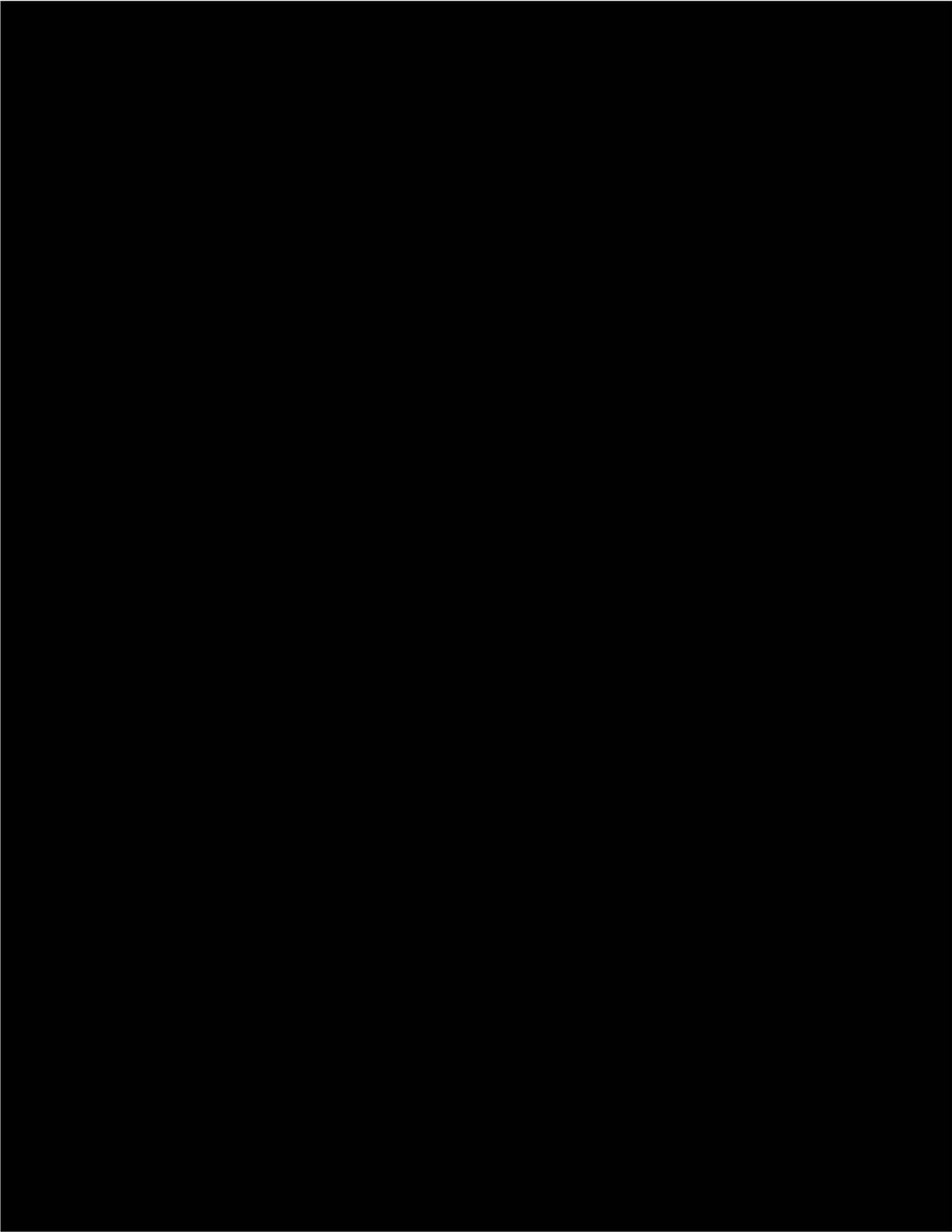


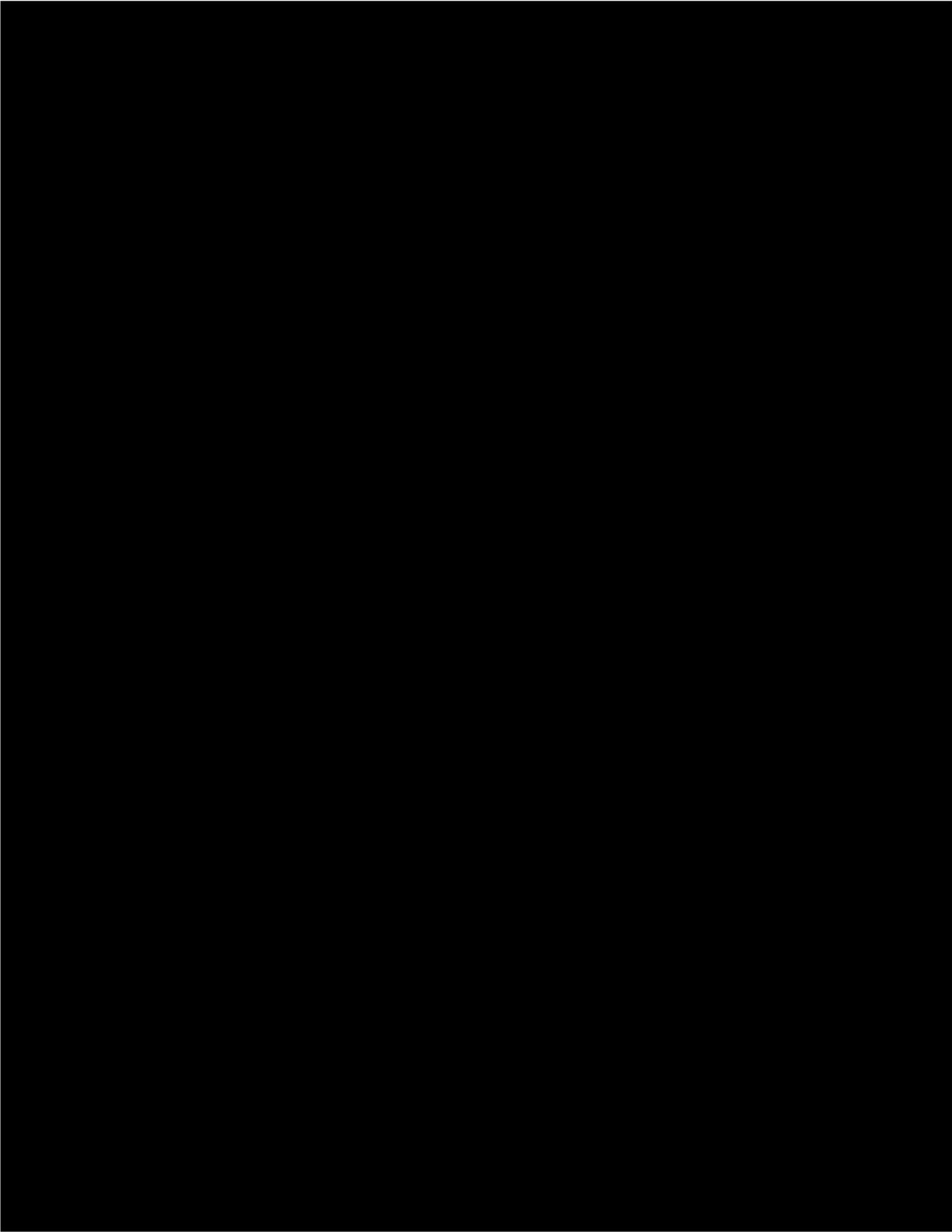


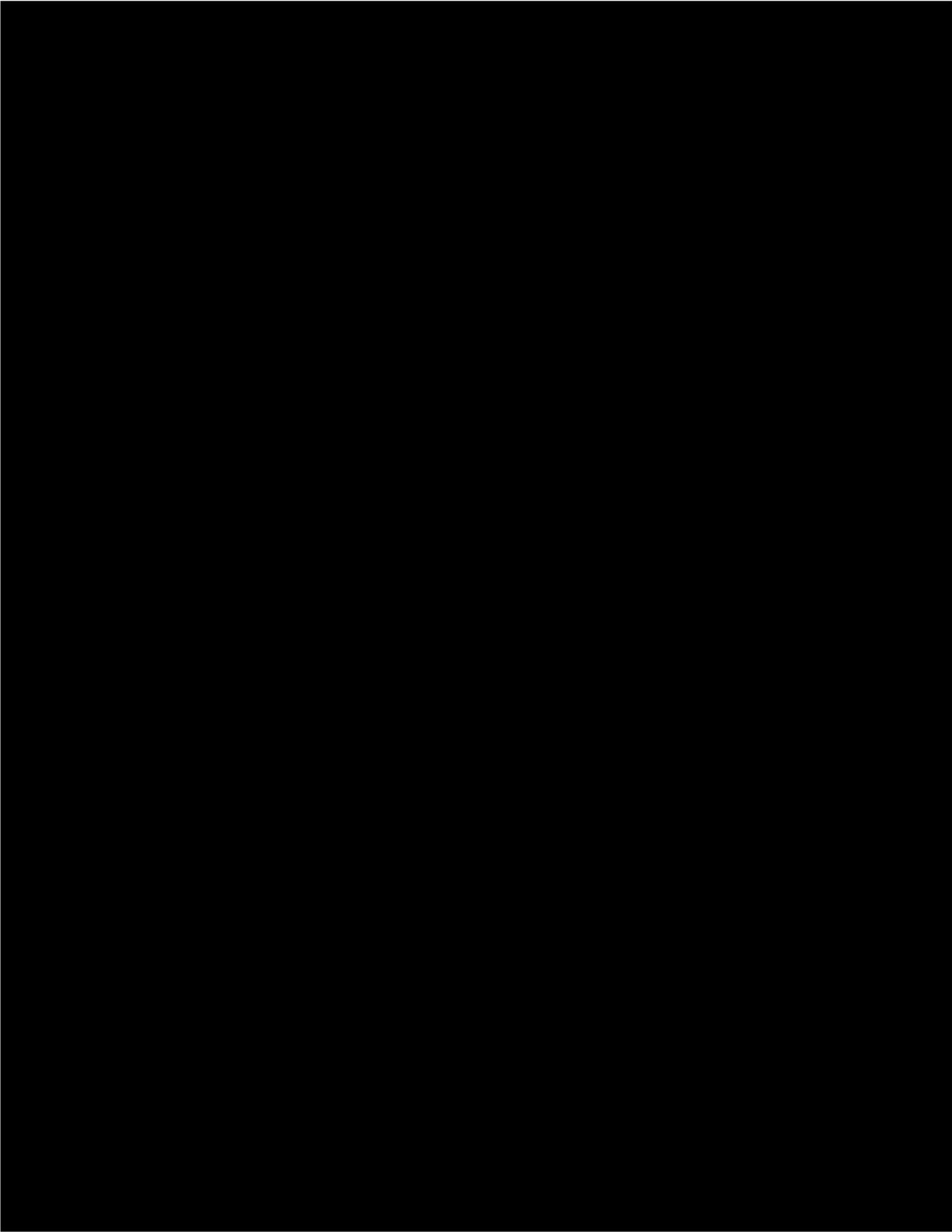


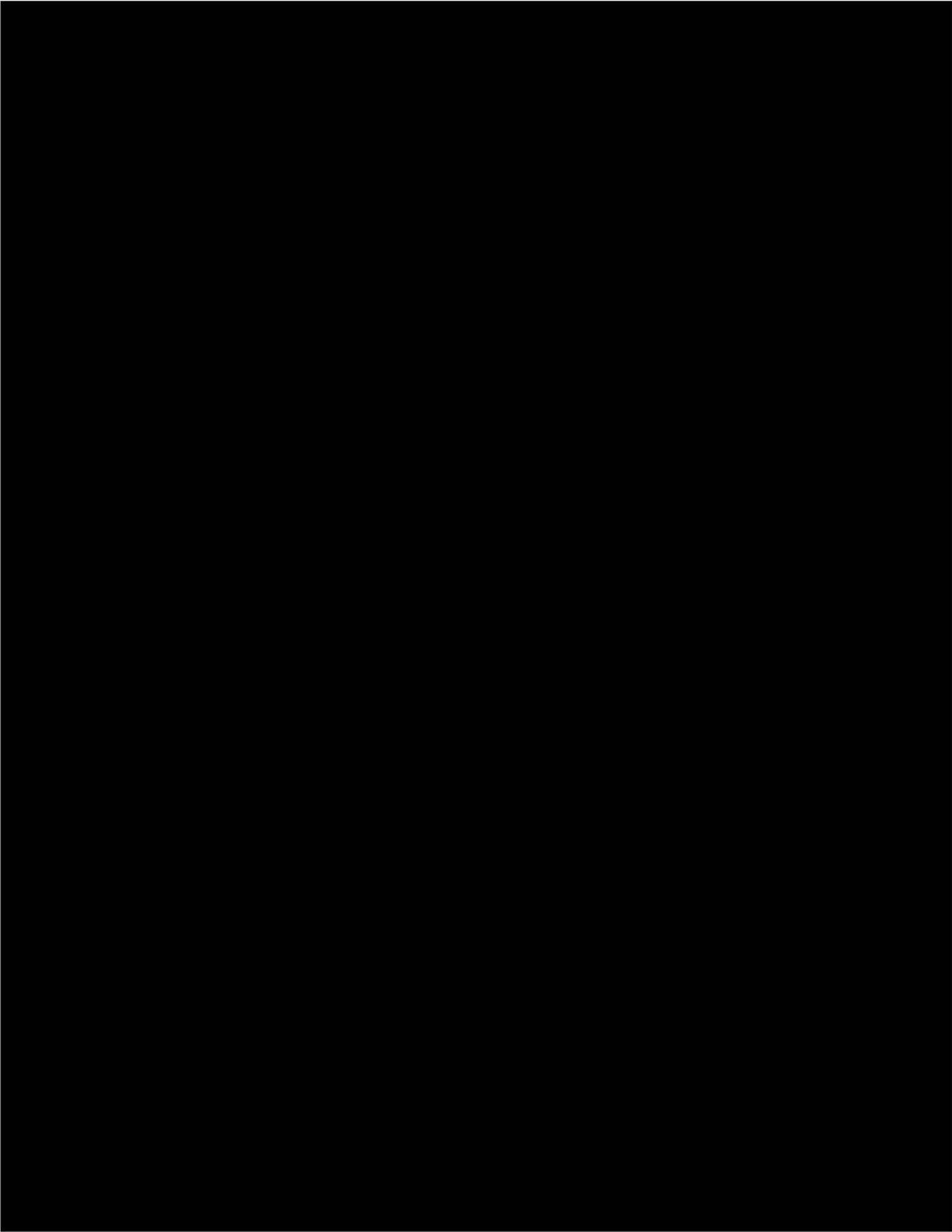


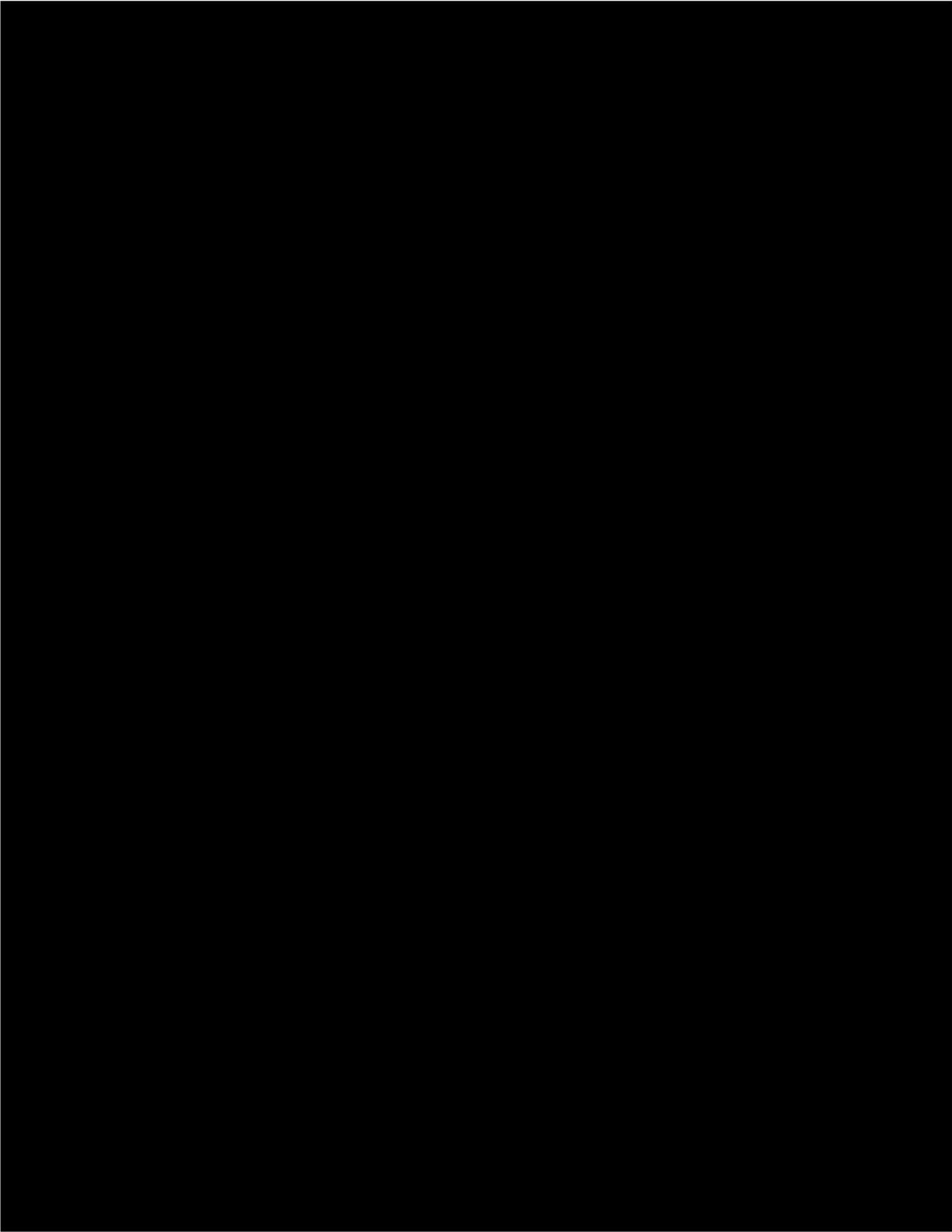


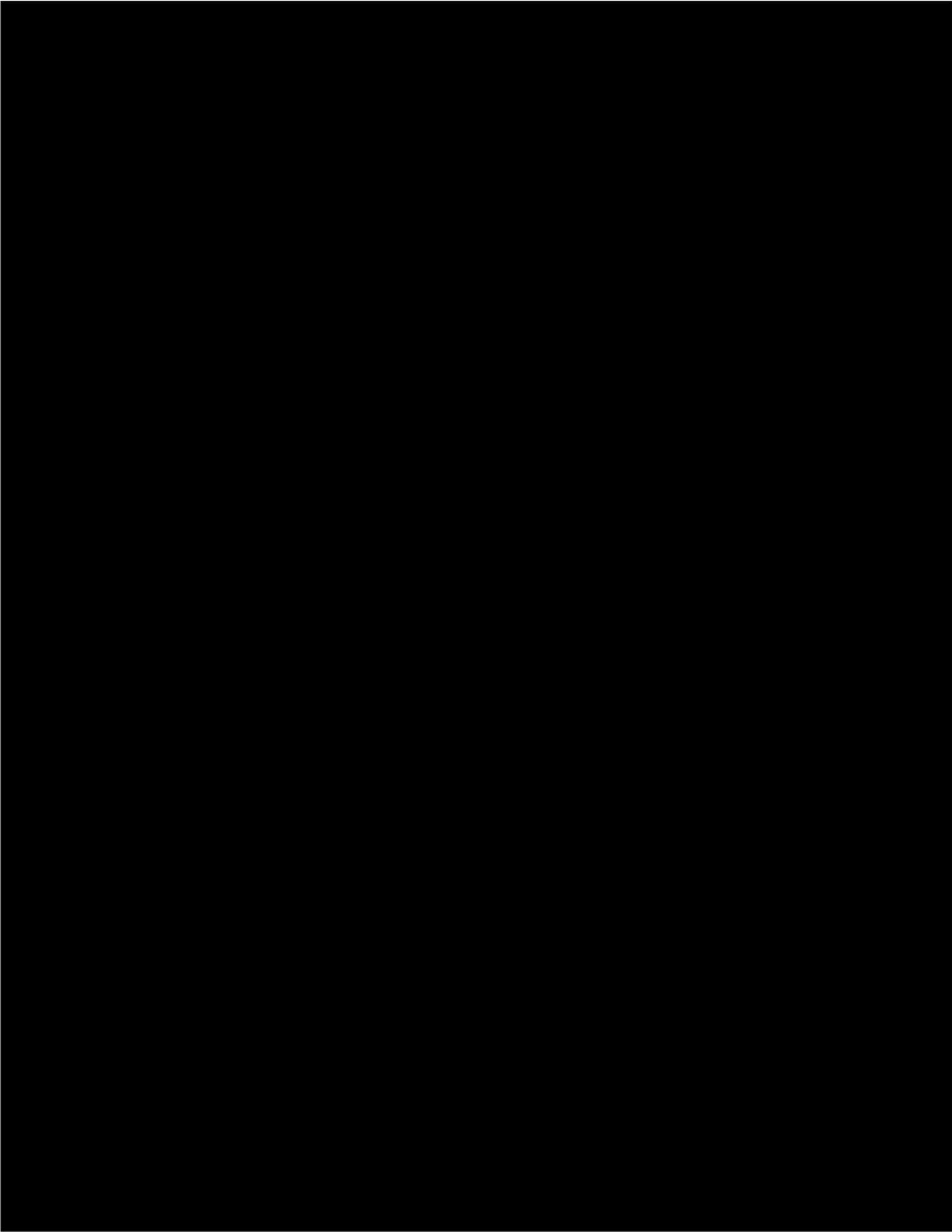


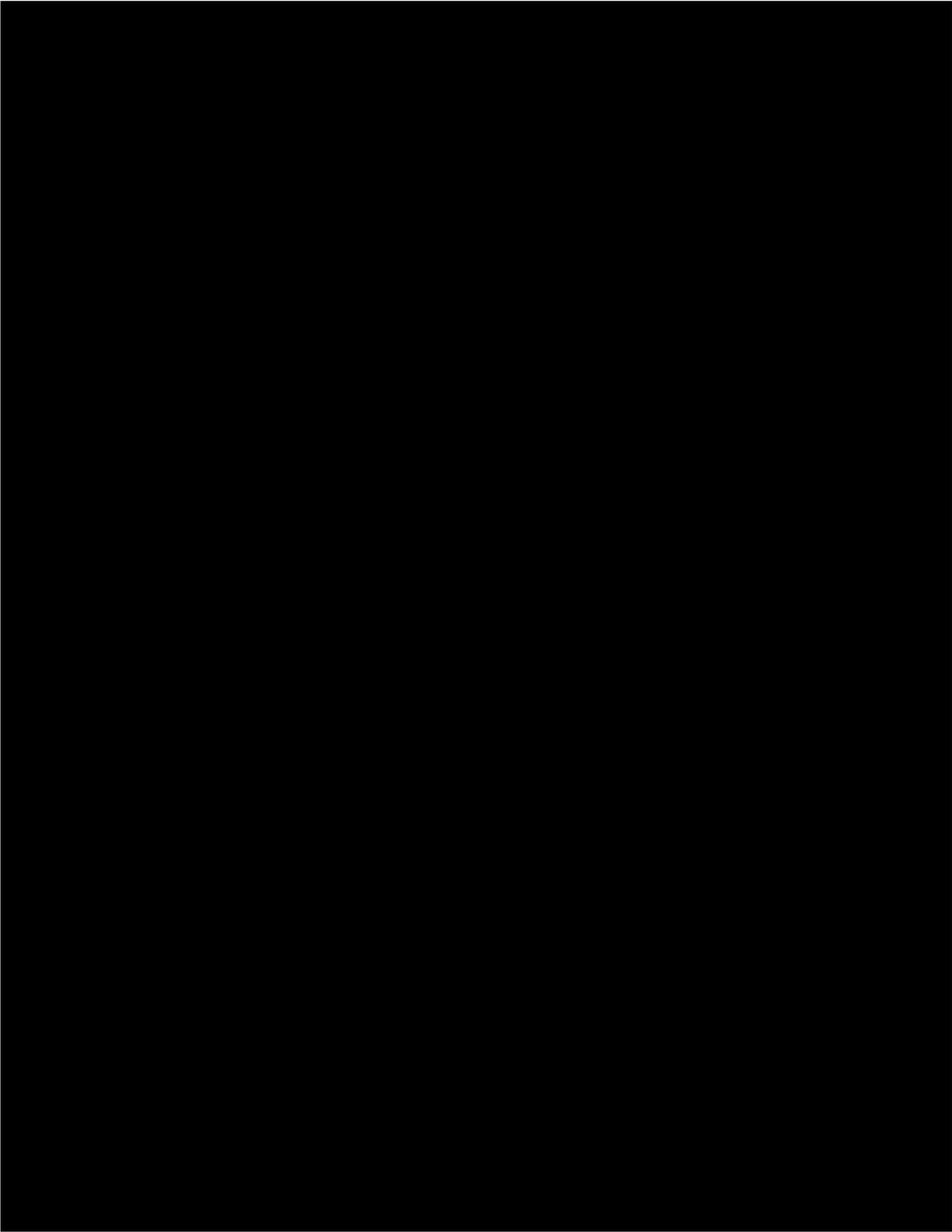












Martha Cox

From: Jim Jackson
Sent: Tuesday, May 30, 2023 8:25 AM
To: 'Stanley Cain'
Subject: RE: Jacqueline Ashcraft Collision

The three occupants were:

[REDACTED]

[REDACTED]

[REDACTED]

All three were in the rear of the car.

Thank you,
Jim



Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Stanley Cain [REDACTED]
Sent: Monday, May 29, 2023 11:03 PM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: Jacqueline Ashcraft Collision

Jim:

I need some information for my calculations. Did Jacqueline have some minor passengers with her when the collision occurred? If she did, I will need their age(s), so I can place an approximate weight for them in the momentum calculations. The crash report does not list any passengers, but I wanted to double check that with you.

Thank you.

Stanley Cain
Stanley B. Cain Accident Reconstructionist, LLC
PO Box 836, Waldron, AR 72958



Sent from [Mail](#) for Windows



June 10, 2023

Mr. Stanley Cain
Cain Accident Reconstruction
P.O. Box 836
Waldron, AR 72958-0836

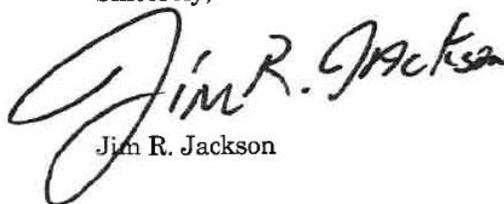
Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED] a Minor Child v. Arkansas Department of Human Services*
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Mr. Cain:

Please find enclosed a copy of Trooper James Ray's deposition and Kristen Shelton's deposition in the above referenced matter. Please add these to your file.

Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is Jim@JimJacksonAtty.com.

Sincerely,



Jim R. Jackson

✓ JRJ/mc
Enclosure

JIM JACKSON // Attorney at Law

700 W. Broadway Street: Suite 200
North Little Rock, AR 72114-5528

501.823.3610
Fax: 501.823.3611

Jim@JimJacksonAtty.com

www.JimJacksonAtty.com

Ashcraft 2nd Supp Response 0625

1424

Jim Jackson

From: Jim Jackson
Sent: Monday, June 19, 2023 2:44 PM
To: [REDACTED]
Cc: Martha Cox
Subject: FW: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Stanley,

I retained Johnny Bolinger to take drone footage of the accident site.

Can you review these and incorporate them into your report if they will assist you in explaining your findings and conclusions?

Thank you,

Jim

**Jim Jackson**

Jackson Law Firm

JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611



From: Johnny Bolinger [REDACTED]
Sent: Monday, June 19, 2023 2:35 PM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

[REDACTED]

Sent from my iPhone

On Jun 19, 2023, at 10:52 AM, Jim Jackson <jim@jimjacksonatty.com> wrote:

Johnny,

I hope you are having a good Monday.
 I'd like to forward the aerals to our accident reconstruction expert when you send them.
 Thank you,
 Jim

<image001.jpg>

Jim Jackson

Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
 North Little Rock, AR 72114
 P (501) 823-3610
 F (501) 823-3611
 <image002.jpg>
 <image003.jpg>

<image004.jpg>

From: Johnny Bolinger [REDACTED]
Sent: Saturday, June 17, 2023 6:40 PM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Sir, I'm mortified that I let this slip through the cracks on me. I drove out a few minutes ago and shot them and I'll be able to email a link tomorrow if that's ok! I'm so sorry. It's been crazy busy for me.

Sent from my iPhone

On May 15, 2023, at 7:55 AM, Jim Jackson <jim@jimjacksonatty.com> wrote:

Johnny,
 We have a deposition in Clarksville tomorrow afternoon.
 If you have a JPG of the aerial, that would be great.
 If not, do not worry about it.
 I am going to Paris tomorrow morning to drive from the dairy bar to the accident site to get a good feel of the area.
 I will have my cell phone with me.
 If you need to visit with me on anything, my number is:
 [REDACTED]
 Thank you,
 Jim

<image001.jpg>

Jim Jackson

Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611
<image002.jpg>
<image003.jpg>

<image004.jpg>

From: Johnny Bolinger [REDACTED]
Sent: Wednesday, May 10, 2023 12:22 PM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED] Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Well, this email got lost in the hundreds I get every day. I'll get on this asap.

Sent from my iPhone

On May 2, 2023, at 4:00 PM, Jim Jackson <jim@jimjacksonatty.com> wrote:

Jonathan,
Thank you for visiting with me this afternoon about the drone/aerial photography.
Attached is a copy of the accident report.
My client was driving from Paris east on Hwy 22.
She was attempting to turn left into a driveway at: 5033 Hwy 22.
She had to stop while a tractor trailer rig traveling west cleared the right of way.
While stopped, she was rear-ended at a high rate of speed.
Attached is a Google Earth Aerial of the highway.
I think this information should be enough to get you to the right place.
Also, if you hear anything about this wreck, please let me know.
The trooper working it arrived 30 minutes after it was called in so I suspect the Paris Police and Logan County Sheriff's department has more information that was not included.
Jennifer Wilkerson tested positive for meth and amphetamines after the wreck.
Her boyfriend is Scott Lindstrom who has several possession convictions.
Thank you,

Jim

<image001.jpg>

Jim Jackson

Jackson Law Firm

JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114

P (501) 823-3610

F (501) 823-3611

<image002.jpg>

<image003.jpg>

<image004.jpg>

<Accident Report_Ashcraft.pdf>

<Photo - Aerial Photo of Accident Scene 35°17'40.6_N 93°39'43.5_W -
Google Maps.pdf>

<Photo DHS car in ditch on other side of road with debris in
highway.pdf>

<Photo Long view of Highway.pdf>

Jim Jackson

From: Jim Jackson
Sent: Thursday, June 22, 2023 2:14 PM
To: Stanley Cain
Subject: RE: Jacqueline Ashcraft Collision

I'll let you know as soon as I get access to it.
I see the message from Dropbox.
Jim

**Jim Jackson**

Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611



From: Stanley Cain [REDACTED]
Sent: Thursday, June 22, 2023 2:10 PM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: Jacqueline Ashcraft Collision

Jim:

i just shared the completed report for this case in Dropbox, so you should get a link.
Let me know if you do not receive anything.

Also, call me if you have questions.

Stanley Cain
Stanley B. Cain Accident Reconstructionist, LLC
PO Box 836, Waldron, AR 72958



Sent from [Mail](#) for Windows

Jim Jackson

From: Stanley Cain <[REDACTED]>
Sent: Sunday, June 25, 2023 6:47 PM
To: Jim Jackson
Subject: RE: The Estate of Jacqueline Lynn Ashcraft, deceased
Attachments: STANLEY CAIN-ACCIDENT RECONSTRUCTIONIST-CURRICULUM VITAE-SERVICES AND FEES.pdf; image001.jpg; image002.jpg; image003.jpg; image004.jpg

Jim:

The affidavit looks good. I will try to get the signature page back to you tomorrow afternoon. I will have to take it to a copy and print service to get the signature page printed and then scanned.

Attached is my current CV.

Stanley Cain
Stanley B. Cain Accident Reconstructionist, LLC
PO Box 836, Waldron, AR 72958
[REDACTED]

Sent from [Mail](#) for Windows

From: [Jim Jackson](#)
Sent: Sunday, June 25, 2023 3:38 PM
To: [REDACTED]
Cc: [Martha Cox](#)
Subject: The Estate of Jacqueline Lynn Ashcraft, deceased

Stanley,
Attached is an Affidavit that I prepared based upon your Report.
Also attached is a PDF containing what is labeled as exhibit 2 to your Affidavit.
Can you review both of these and call me at [REDACTED] with any questions.
Also, I will need a copy of your CV.
Thank you,
Jim

JACKSON
LAW FIRM

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611





June 28, 2023

Mr. Brent Gasper
Arkansas Department of Human Services
Third Party Liability Unit
P.O. Box 1437, Slot S260
Little Rock, AR 72203

Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline
Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED] a minor
Children v. Arkansas Department of Human Services
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Brent:

Please find enclosed the claimant's Second Supplemental Responses to Respondent's First Set of Interrogatories and Requests for Production of Documents in the above-referenced case.

Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is Jim@JimJacksonatty.com.

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosures

JIM JACKSON // Attorney at Law

700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528

501.823.3610
Fax: 501.823.3611

Jim@JimJacksonAtty.com

www.JimJacksonAtty.com

ARKANSAS STATE CLAIMS COMMISSION

**HALEY HUDSON, SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JACQUELINE LYNN ASHCRAFT,
DECEASED, AND HALEY HUDSON AS PERMANENT
LEGAL GUARDIAN OF [REDACTED]
A MINOR**

CLAIMANT

v.

CC No. 230641

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

**CLAIMANT'S SECOND SUPPLEMENTAL RESPONSES TO
RESPONDENT'S FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION**

Comes the claimant, Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Haley Hudson, as permanent legal guardian of [REDACTED] a minor, by and through her attorney, Jim R. Jackson, and for her Second Supplemental Responses to Respondent's First Set of Interrogatories and Requests for Production of Documents, states:

INTERROGATORY NO. 11: Please provide the name, address, email address, and telephone number of each expert who may be called as a witness, and for each such expert provide:

1. The subject matter concerning which the witness is expected to testify;
2. The material reviewed by each expert;
3. The facts known to the expert which relate to or form the basis of the mental impressions and opinions held by the expert;
4. The dates of all reports rendered by such experts, and the names and addresses of the persons having custody of same; and

5. The facts, opinions, and a summary of the findings upon which the expert witnesses concludes or generates.

RESPONSE TO INTERROGATORY NO 11: The claimant will call one of the medical doctors who provided palliative care at Mercy Hospital in Fort Smith to Ms. Ashcraft before she was pronounced dead. This witness will be deposed. A copy of Ms. Ashcraft’s medical records from Mercy Hospital in Fort Smith, containing the names and contact information for these providers are contained therein, is attached in the following hyperlink. *Ashcraft Mercy Records Bates Stamped.pdf*

These records contain the EMS records and Mercy Booneville Medical Records.

The claimant will call Ralph Scott, Ph.D., [REDACTED] [REDACTED] to testify on economic loss and loss of life. A copy of Dr. Scott’s report is contained in a hyperlink which contains the facts, opinions, and a summary of his findings. Also attached is information regarding loss of life which will be presented to the Claims Commissioners with Dr. Scott’s testimony. Also attached is a copy of his billing record. Below is a summary of the economic damages: *Ashcraft Response to Discovery.pdf*

LOSS OF EARNING CAPACITY

- i. Past potential lifetime earnings: \$40,494.47
- ii. Future potential income earnings: \$103,465.39 to \$285,597.80
- iii. Past potential Fringe benefits: \$43,187

Total for projected income and & fringe benefits range: \$187,147.82 to \$423,919.95.

COST OF RAISING [REDACTED]

- iv. Present Value Cost \$161,866.43
- v. Tuition of four-year college \$113,300

COST OF RAISING [REDACTED]

- vi. Present Value Cost \$28,971.49

vii. Tuition of four-year college \$113,300

LOSS OF LIFE CLAIM FOR ESTATE OF JACQUELINE ASHCRAFT, DEC.

viii. Annual Value of \$278,711 x 33.6 years = \$9,364,689.60

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:

Stanley B. Cain, [REDACTED]

Email:

1. Mr. Cain is a certified accident reconstructionist who will testify on the subject of liability and causation.
2. Please see the seven items listed in "Items Received" which is contained on page one of Mr. Cain's Investigative Report.
3. The facts known to Mr. Cain are contained in the attached Investigative Report with calculations and photographs.
4. June 23, 2023.
5. The facts, opinions, and a summary of the findings are contained in the investigative report which is attached.

Garrett Andrews, Ph.D., Arkansas Neuroscience Institute and Research Center Building, 6020 Warden Road, Suite 210, Sherwood, AR 72120; phone: (501) 537-1388.

1. Dr. Andrews will testify about the nature and extent of [REDACTED] Traumatic Brain Injury.
2. Medical records of [REDACTED]
3. Please see attached a copy of Dr. Andrews' report which contains his opinions.
4. Please see the above response.
5. Please see the above response.

REQUEST FOR PRODUCTION NO. 11: Please produce the following materials with respect to each expert witness Claimant may call at the trial of this case:

1. A copy of the witness's most recent curriculum vitae;
2. A copy of all pertinent sections or excerpts of books, texts, treatises, articles, statutes, rules, regulations, guidelines, or any material which has been or may be referred to or relied upon by any expert witness in forming or explaining his or her opinions in connection with this case, together with citations to specific passages or sections relied upon (a list of the items above with specific citations to the relied-upon material will suffice as an alternative);
3. A copy of any computer programs, spreadsheets, analytical programs, statistical programs of any other computer-based tool utilized by any expert witness in any manner with regard to his/her opinions in this case (a list of the items above with specific citations to the relied-upon material will suffice as an alternative);
4. Copies of each spreadsheet, program, algorithm, statistical model, macro program, or other computer-based files created by or at the direction of any expert witness which has been utilized in any manner regarding his or her opinions in this case;
5. Copies of reports, correspondence, notes, documents, writings, diagrams, charts, records, photographs, video or audio recordings of any type, computer files, emails or tangible items of any kind that have been supplied to any expert witness by Claimant, attorneys for Claimant, and/or any representative of the Claimant or Claimant's attorney.
6. Copies of reports, correspondence, notes, documents, writings, diagrams, charts, records, photographs, video, or audio recordings of any type, computer files, emails, or tangible items of any kind that any expert witness has provided to the Claimant, attorneys for Claimant, and/or any representative of Claimant's attorney;

7. Copies of reports, correspondence, notes, documents, writings, diagrams, charts, records, photographs, video or audio recordings of any type, computer files, emails, or tangible items of any kind made or prepared by any expert witness in connection with this case regardless of whether such materials were provided to any other person; and
8. All billing records, bills, invoices, and fee schedule an expert witness has prepared or provided in connection with this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: The claimant will provide this information as it becomes available.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

The report and supporting documentation from Dr. Ralph Scott has been previously provided in the claimant's original Response to Request for Production of Documents Nos. 9, 10, and 12.

Stanley B. Cain:

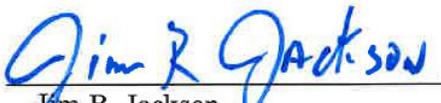
1. Please find attached a copy of Stanley Cain's C.V.
2. This information will be provided as discovery proceeds.
3. Attached to Mr. Cain's Investigative Report are 10 pages of analytical data produced by Mr. Cain's computer program.
4. Please see the attached Investigative Report prepared by Mr. Cain.
5. Please see the attached Investigative Report prepared by Mr. Cain with reference to "Items Received."
6. Please see the attached Investigative Report prepared by Mr. Cain.
7. Please see the attached Investigative Report prepared by Mr. Cain.
8. Please see the attached cover letter and copy of a retainer check.

Garrett Andrews, Ph.D.:

1. Please find attached a copy of Dr. Andrews' C.V.
2. This information will be provided as discovery proceeds.
3. Please see Dr. Andrews' report.
4. Not applicable.
5. Please find attached a cover letter and emails to Dr. Andrews.
6. Please find attached a copy of emails from Dr. Andrews and his report.
7. Please see attached a copy of Dr. Andrews' report.
8. Please see attached a copy of the retainer agreement and fee schedule from Dr. Andrews.

Respectfully Submitted,

Jackson Law Firm
 700 West Broadway Street, Suite 200
 North Little Rock, AR 72114-5528
 Phone: 501-823-3610
 Fax: 501-823-3611
 Jim@JimJacksonatty.com

BY: 
 Jim R. Jackson
 Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim R. Jackson, hereby certify that I have mailed a copy of the foregoing to the respondent's attorney, Brent P. Gasper, by first class mail on June 29, 2023:

Mr. Brent Gasper
 Assistant Deputy Chief Counsel
 Arkansas Department of Human Services
 P.O. Box 1437
 Little Rock, AR 72203-1437


 Jim R. Jackson

From: [Martha Cox](#)
To: [ASCC Pleadings](#); [Kathryn Irby](#)
Cc: [Brent Gasper](#); [Daiquiri Carter](#); [Jim Jackson](#)
Subject: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident
Date: Wednesday, July 12, 2023 1:54:12 PM
Attachments: [Claimant's Sur-Response to Respondent Motion to Strike.pdf](#)
[Letter to Kathryn Irby transmitting Claimant's Sur-Response to Respondent's Motion to Strike 7-12-2023.pdf](#)

Please see the attached transmittal letter from Attorney Jim Jackson to Ms. Kathryn Irby and the Claimant's Sur-Response to the respondent's Motion to Strike for filing in the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com



July 12, 2023

VIA Email and US Mail

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED] minor children vs. The Arkansas Department of Human Services*
 Arkansas State Claims Commission No. 230641
 Incident Date: 6/11/2021 - Logan County

Dear Kathryn:

Please find enclosed the Claimant's Sur-Response to Respondent's Motion to Strike Claimant's Motion for Partial Summary Judgment in the above referenced matter.

Thank you for your attention to this matter.

Sincerely,

Jim R. Jackson

✓ JRJ/mc
 Enclosure
 cc:w/enc.

Brent Gasper, Esq. (via Email)

JIM JACKSON // Attorney at Law

700 W. Broadway Street; Suite 200
 North Little Rock, AR 72114-5528

501.823.3610
 Fax: 501.823.3611

Jim@JimJacksonAtty.com

www.JimJacksonAtty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, AS SPECIAL ADMINISTRATRIX
 OF THE ESTATE OF JACQUELINE LYNN
 ASHCRAFT, DECEASED, AND HALEY HUDSON AS
 PERMANENT LEGAL GUARDIAN OF [REDACTED]
 [REDACTED] a minor

CLAIMANT

v.

CC No. 230641

ARKANSAS DEPARTMENT OF
 HUMAN SERVICES

RESPONDENT

**CLAIMANT'S SUR-RESPONSE TO RESPONDENT'S MOTION
 TO STRIKE CLAIMANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Comes now the claimant, and for her Sur-Response to the Respondent's Motion to Strike Claimant's Motion for Summary Judgment, states:

1. Rule 56 governs the claimant's Motion for Partial Summary Judgment on the Issue of Liability. Rule 56 does not provide for a motion to strike. Rule 56 specifically requires an adverse party to respond with proof that a genuine issue of material fact exists in response to a motion for summary judgment on any issue.

2. The respondent argues that the appellate courts of Arkansas permit a Motion to Strike a Motion for Summary Judgment. The first two cases cited by the respondent, *Trujillo* and *Anderson-Tulley*, mention in passing that a party filed a Motion to Strike as part of the underlying record. Neither appellate decision stands for the proposition that the party was correct in filing a Motion to Strike a Motion for Summary Judgment. The remaining five cases cited by the respondent, *Allen*¹, *Orr*², *Rodgers*³, *Pippenger*⁴, and *Milner*⁵, do not contain

¹ Motion to Strike a Motion for Sanctions and Amendment to an Answer.

² Motion to Strike a Motion to Dismiss.

³ Motion to Strike at trial a "corporate entity" defense.

⁴ Motion to Strike a Petition to Establish Grandparent Visitation.

⁵ Motion to Strike during trial when counsel referenced insurance in testimony.

any reference to a Motion to Strike a Motion for Summary Judgment. These five cases relied upon by the respondent contain no language or analysis pertaining to a Motion to Strike a Rule 56 Motion for Summary Judgment. The claimant is at a loss as to why the respondent cited these five cases.

3. Setting aside the procedural issue, the respondent's contention that the claimant's retention of an accident reconstructionist means that the claimant admits that there is a genuine question on the issue of liability is just flat wrong. Parties routinely retain expert witnesses in litigation. Stanley Cain, the accident reconstructionist in this case, has the scientific knowledge to calculate the speed of the vehicles at the point of impact, explain the significance of skid marks, the direction of travel of the vehicles post impact, and the significance of the crush intrusion of the property damage. If anything, the Claimant's engagement of an accident reconstructionist places an even greater burden *on the Respondent* to meet "proof-with-proof" to show that a genuine issue of material fact exists on the issue of liability.

4. The claimant's accident reconstruction expert's Results and Conclusions are:

The investigation has clearly concluded that Ms. Wilkerson was extremely negligent when she collided into the rear of Ms. Ashcraft. Furthermore, my investigation has concluded that Ms. Wilkerson was exceeding the posted speed limit for the highway.

There were no line-of-sight issues present at the scene and there were no adverse weather conditions present when the collision occurred. If Ms. Wilkerson had been keeping a proper lookout for traffic or hazards ahead, she could have easily observed that Ms. Ashcraft was slowing or stopped, and she could have avoided or greatly reduced the severity of the collision.

I did not discover any contributing actions to the collisions by Mr. Bobby Wilson.

The expert's conclusions are the same as Trooper Ray and DHS Program Administrator Kristen Shelton – the respondent's driver was responsible for causing this rearend collision.

The respondent's burden is to meet "proof with proof" in its response to a Rule 56 Motion for Partial Summary Judgment.

5. The claimant is prepared to present the issue of liability on November 8, 2023 which will allow the Commission to focus on the issue of damages in the spring.

CONCLUSION

WHEREFORE, the claimant requests that the respondent's Motion to Strike be denied and that this matter be fully briefed and heard according to the scheduling order issued.

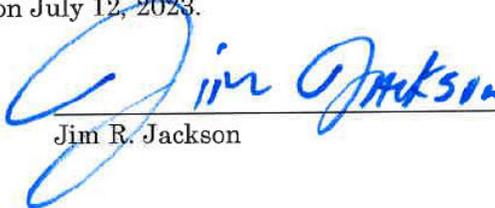
Respectfully Submitted,



Jim R. Jackson, AR Bar #93209
 Jackson Law Firm
 700 West Broadway Street, Suite 200
 North Little Rock, AR 72114-5528
 Phone: 501-823-3610
 Fax: 501-823-3611
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I, Jim R. Jackson, hereby certify that I have electronically filed this pleading with the Clerk of the Arkansas Claims Commission and served the Respondent's attorney, Brent P. Gasper, via email, with this pleading on July 12, 2023.



Jim R. Jackson

Arkansas
State Claims Commission

JUL 14 2023

RECEIVED



July 12, 2023

VIA Email and US Mail

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED] minor children vs. The Arkansas Department of Human Services*
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Kathryn:

Please find enclosed the Claimant's Sur-Response to Respondent's Motion to Strike Claimant's Motion for Partial Summary Judgment in the above referenced matter.

Thank you for your attention to this matter.

Sincerely,

Jim R. Jackson

✓ JRJ/mc
Enclosure
cc:w/enc.

Brent Gasper, Esq. (via Email)

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [REDACTED] a minor

Arkansas CLAIMANT State Claims Commission

JUL 14 2023

RECEIVED

v.

CC No. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES

RESPONDENT

CLAIMANT’S SUR-RESPONSE TO RESPONDENT’S MOTION TO STRIKE CLAIMANT’S MOTION FOR PARTIAL SUMMARY JUDGMENT

Comes now the claimant, and for her Sur-Response to the Respondent’s Motion to Strike Claimant’s Motion for Summary Judgment, states:

1. Rule 56 governs the claimant’s Motion for Partial Summary Judgment on the Issue of Liability. Rule 56 does not provide for a motion to strike. Rule 56 specifically requires an adverse party to respond with proof that a genuine issue of material fact exists in response to a motion for summary judgment on any issue.

2. The respondent argues that the appellate courts of Arkansas permit a Motion to Strike a Motion for Summary Judgment. The first two cases cited by the respondent, *Trujillo* and *Anderson-Tulley*, mention in passing that a party filed a Motion to Strike as part of the underlying record. Neither appellate decision stands for the proposition that the party was correct in filing a Motion to Strike a Motion for Summary Judgment. The remaining five cases cited by the respondent, *Allen*¹, *Orr*², *Rodgers*³, *Pippenger*⁴, and *Milner*⁵, do not contain

¹ Motion to Strike a Motion for Sanctions and Amendment to an Answer.
² Motion to Strike a Motion to Dismiss.
³ Motion to Strike at trial a “corporate entity” defense.
⁴ Motion to Strike a Petition to Establish Grandparent Visitation.
⁵ Motion to Strike during trial when counsel referenced insurance in testimony.

any reference to a Motion to Strike a Motion for Summary Judgment. These five cases relied upon by the respondent contain no language or analysis pertaining to a Motion to Strike a Rule 56 Motion for Summary Judgment. The claimant is at a loss as to why the respondent cited these five cases.

3. Setting aside the procedural issue, the respondent's contention that the claimant's retention of an accident reconstructionist means that the claimant admits that there is a genuine question on the issue of liability is just flat wrong. Parties routinely retain expert witnesses in litigation. Stanley Cain, the accident reconstructionist in this case, has the scientific knowledge to calculate the speed of the vehicles at the point of impact, explain the significance of skid marks, the direction of travel of the vehicles post impact, and the significance of the crush intrusion of the property damage. If anything, the Claimant's engagement of an accident reconstructionist places an even greater burden *on the Respondent* to meet "proof-with-proof" to show that a genuine issue of material fact exists on the issue of liability.

4. The claimant's accident reconstruction expert's Results and Conclusions are:

The investigation has clearly concluded that Ms. Wilkerson was extremely negligent when she collided into the rear of Ms. Ashcraft. Furthermore, my investigation has concluded that Ms. Wilkerson was exceeding the posted speed limit for the highway.

There were no line-of-sight issues present at the scene and there were no adverse weather conditions present when the collision occurred. If Ms. Wilkerson had been keeping a proper lookout for traffic or hazards ahead, she could have easily observed that Ms. Ashcraft was slowing or stopped, and she could have avoided or greatly reduced the severity of the collision.

I did not discover any contributing actions to the collisions by Mr. Bobby Wilson.

The expert's conclusions are the same as Trooper Ray and DHS Program Administrator Kristen Shelton – the respondent's driver was responsible for causing this rearend collision.

The respondent's burden is to meet "proof with proof" in its response to a Rule 56 Motion for Partial Summary Judgment.

5. The claimant is prepared to present the issue of liability on November 8, 2023 which will allow the Commission to focus on the issue of damages in the spring.

CONCLUSION

WHEREFORE, the claimant requests that the respondent's Motion to Strike be denied and that this matter be fully briefed and heard according to the scheduling order issued.

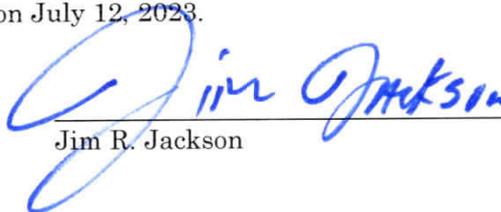
Respectfully Submitted,



Jim R. Jackson, AR Bar #93209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I, Jim R. Jackson, hereby certify that I have electronically filed this pleading with the Clerk of the Arkansas Claims Commission and served the Respondent's attorney, Brent P. Gasper, via email, with this pleading on July 12, 2023.



Jim R. Jackson

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

**HALEY HUDSON, SPECIAL
ADMINISTRATRIX OF THE ESTATE OF
JACQUELINE LYNN ASHCRAFT,
DECEASED, AND HALEY HUDSON,
PERMANENT LEGAL GUARDIAN OF
[REDACTED], A MINOR CHILD**

CLAIMANT

V.

CLAIM NO. 230641

**ARKANSAS DEPARTMENT OF HUMAN
SERVICES**

RESPONDENT

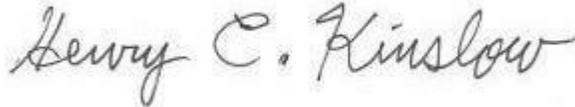
ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is a motion filed by Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased and Haley Hudson, Permanent Legal Guardian of [REDACTED], a Minor Child (collectively referred to as the “Claimant”) to nonsuit any individual claim by Ms. Hudson for bodily injury in Claimant’s claim against the Arkansas Department of Human Services (the “Respondent”). Pursuant to Ark. R. Civ. Proc. 41, the Commission hereby grants Claimant’s request and dismisses any individual claim for bodily injury by Ms. Hudson. The Commission further corrects the style of the claim to read, as stated by Claimant: *Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased and Haley Hudson, Permanent Legal Guardian of [REDACTED], a Minor Child v. Arkansas Department of Human Services, Claim No. 230641.*

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: July 21, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date 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: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: Jim@JimJacksonatty.com; [Brent Gasper](#)
Cc: [Martha Cox](#); [Daiquiri Carter](#); [ASCC Pleadings](#); [OCC Claims Commission Cases](#); [Kathryn Irby](#)
Subject: ORDER: Haley, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED], minor children v. DHS, Claim No. 230641
Date: Wednesday, July 26, 2023 8:54:00 AM
Attachments: [Haley Hudson-order.pdf](#)

Mr. Jackson and Mr. Gasper:

Please see attached order entered by the Claims Commission. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

**HALEY HUDSON, SPECIAL
ADMINISTRATRIX OF THE ESTATE OF
JACQUELINE LYNN ASHCRAFT,
DECEASED, AND HALEY HUDSON,
PERMANENT LEGAL GUARDIAN OF
[REDACTED], A MINOR CHILD**

CLAIMANT

V.

CLAIM NO. 230641

**ARKANSAS DEPARTMENT OF HUMAN
SERVICES**

RESPONDENT**ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is a motion filed by the Arkansas Department of Human Services (the “Respondent”) labeled as “Respondent’s motion to strike Claimants’ motion for [partial] summary judgment or, alternatively, Respondent’s motion for an enlarge[ment] of time to respond to Claimants’ motion for [partial] summary judgment and motion to expedite a decision on the motions herein.” These motions relate to the claim filed by Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased and Haley Hudson, Permanent Legal Guardian of [REDACTED], a Minor Child (collectively referred to as the “Claimant”) against Respondent.

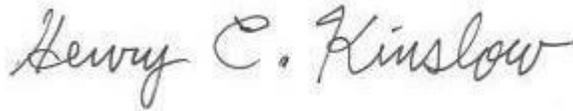
The Commission scheduled a special hearing on Respondent’s motion for June 29, 2023. However, prior to the hearing, the parties agreed that the hearing on Claimant’s motion for partial summary judgment could be moved to the Commission’s November 8, 2023, docket, thereby eliminating the need for the special hearing. As such, the special hearing was not held. The parties also agreed that Respondent’s response to the motion for partial summary judgment will be due on or before October 6, 2023, with Claimant’s reply brief due on or before October 13, 2023.

The Commission finds that Respondent's motion for enlargement of time and motion to expedite are mooted by the rescheduling of the hearing on Claimant's motion for partial summary judgment and the adjusted deadlines for Respondent's response and Claimant's reply. The Commission declines to rule on Respondent's motion to strike at this time.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: July 21, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date 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: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Jim Jackson](#); [Brent Gasper](#)
Cc: [Martha Cox](#); [Daiquiri Carter](#); [ASCC Pleadings](#); [Kathryn Irby](#); [OCC Claims Commission Cases](#)
Subject: ORDER: Haley, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Haley Hudson, Permanent Legal Guardian of [REDACTED] a Minor Child v. DHS, Claim No. 230641
Date: Wednesday, July 26, 2023 9:16:00 AM
Attachments: [Haley Hudson-order2.pdf](#)

Mr. Jackson and Mr. Gasper:

Please see attached order entered by the Claims Commission. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

From: [Brent Gasper](#)
To: [Kathryn Irby](#); [Jim Jackson](#)
Subject: Hudson v. DHS
Date: Wednesday, July 26, 2023 10:18:14 AM

Kathryn, in light of the Commission's order nonsuiting Haley Hudson, individually, and [REDACTED] [REDACTED] as plaintiffs in this case I'll withdraw my motion to dismiss those two persons as claimants.

Thanks!

Brent

Cc: Jim Jackson

Brent P. Gasper

Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

This email may contain sensitive or confidential information.

CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment are the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to whom this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying, or distributing this transmission is STRICTLY PROHIBITED.

The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.

From: [Martha Cox](#)
To: [Brent Gasper](#); [ASCC Pleadings](#); [Kathryn Irby](#)
Cc: [Daiquiri Carter](#); [Jim Jackson](#)
Subject: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d and Permanent Guardian of [REDACTED]
[REDACTED], a minor child v. AR Dept of Human Services; Arkansas State Claims Commission #230641
Date: Tuesday, August 1, 2023 11:26:49 AM
Attachments: [Letter to Brent Gasper with authorizations 8-1-2023.pdf](#)

Please see the attached letter (with enclosures) from Attorney Jim Jackson with regard to the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com



August 1, 2023

VIA E-MAIL ONLY

Mr. Brent Gasper
 Arkansas Department of Human Services
 Third Party Liability Unit
 P.O. Box 1437, Slot W-296
 Little Rock, AR 72203-1437

Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline
 Lynn Ashcraft, deceased and Permanent Guardian of [REDACTED]
 a minor child v. Arkansas Department of Human Services
 Arkansas State Claims Commission No. 230641
 Incident Date: 6/11/2021 - Logan County

Dear Brent:

As a supplement to the plaintiff's Answers to Interrogatories and Requests for Production of Documents propounded to her as the Special Administratrix of the Estate of Jacqueline Ashcraft and as Permanent Guardian of [REDACTED] a minor child, in the above-referenced case, please find enclosed the following executed authorizations:

1. IRS Form 56, Notice Concerning Fiduciary Relationship
2. IRS Form 8821, Tax Information Authorization
3. Form AR4506, Request for Copies of Arkansas Tax Returns and W-2s
6. [REDACTED] School Records Release Authorization
7. [REDACTED] Child Support Records Release Authorization

Sincerely,

Jim R. Jackson

JRJ/mc
 Enclosures

cc/enc. Ms. Kathryn Irby
 Arkansas Claims Commission

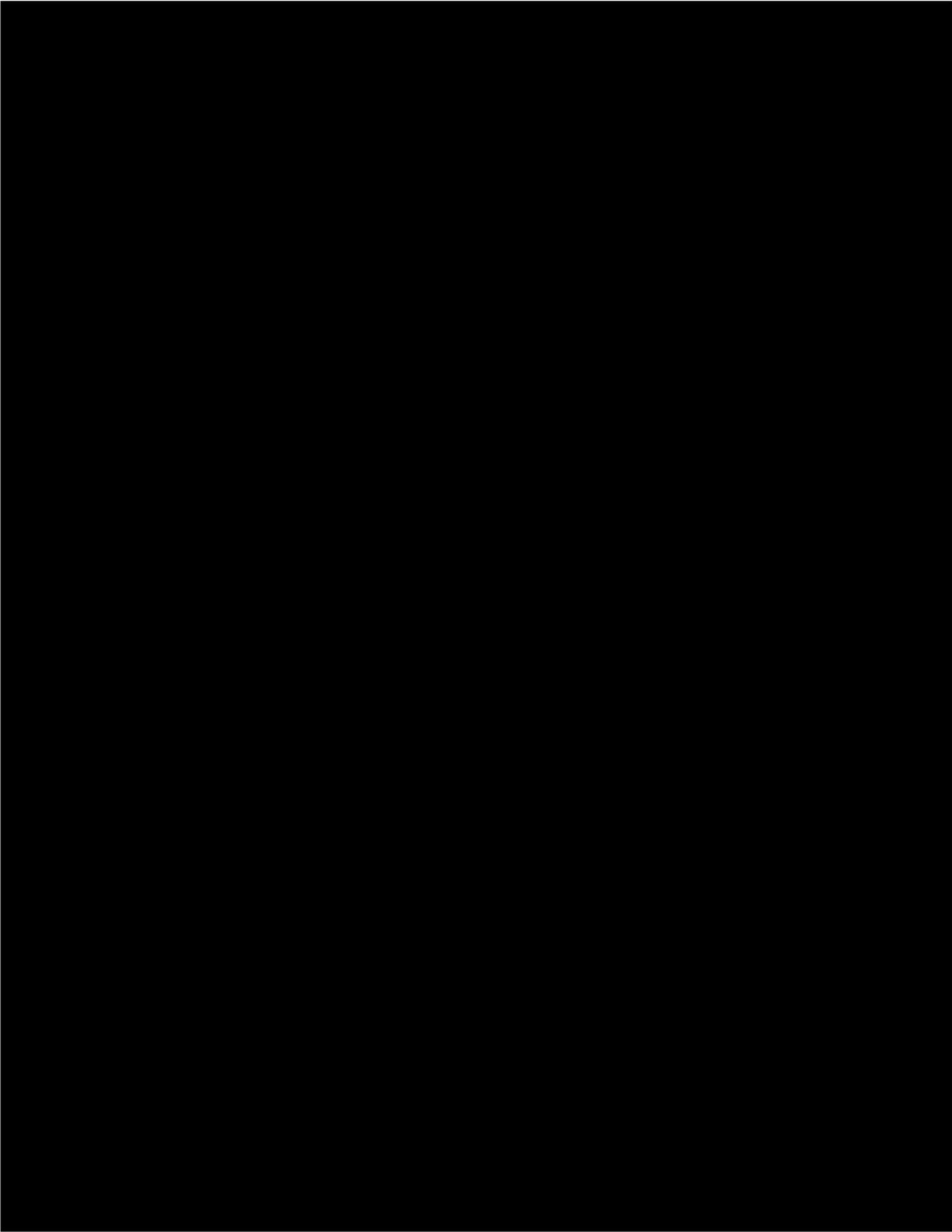
JIM JACKSON // Attorney at Law —

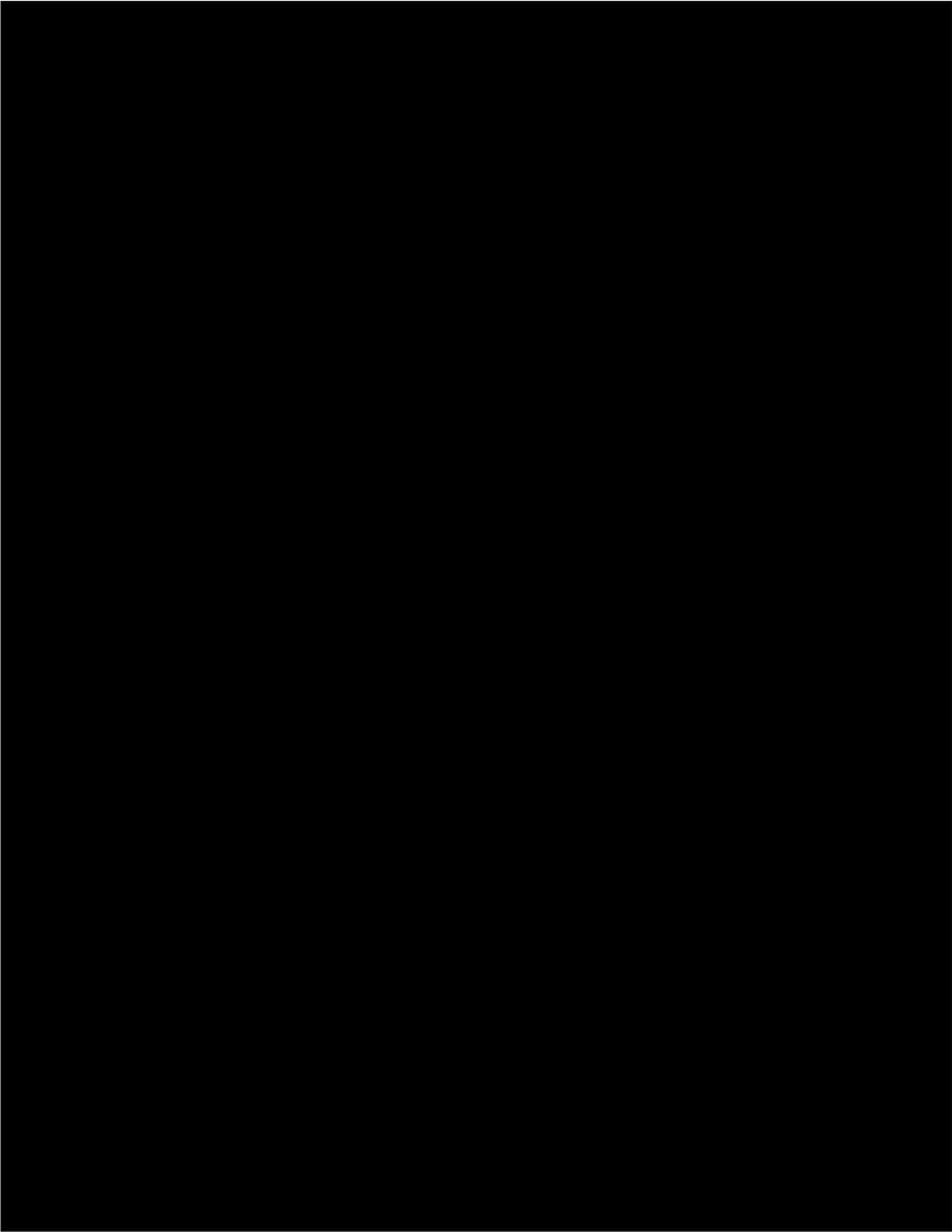
700 W. Broadway Street; Suite 2
 North Little Rock, AR 72114-5528

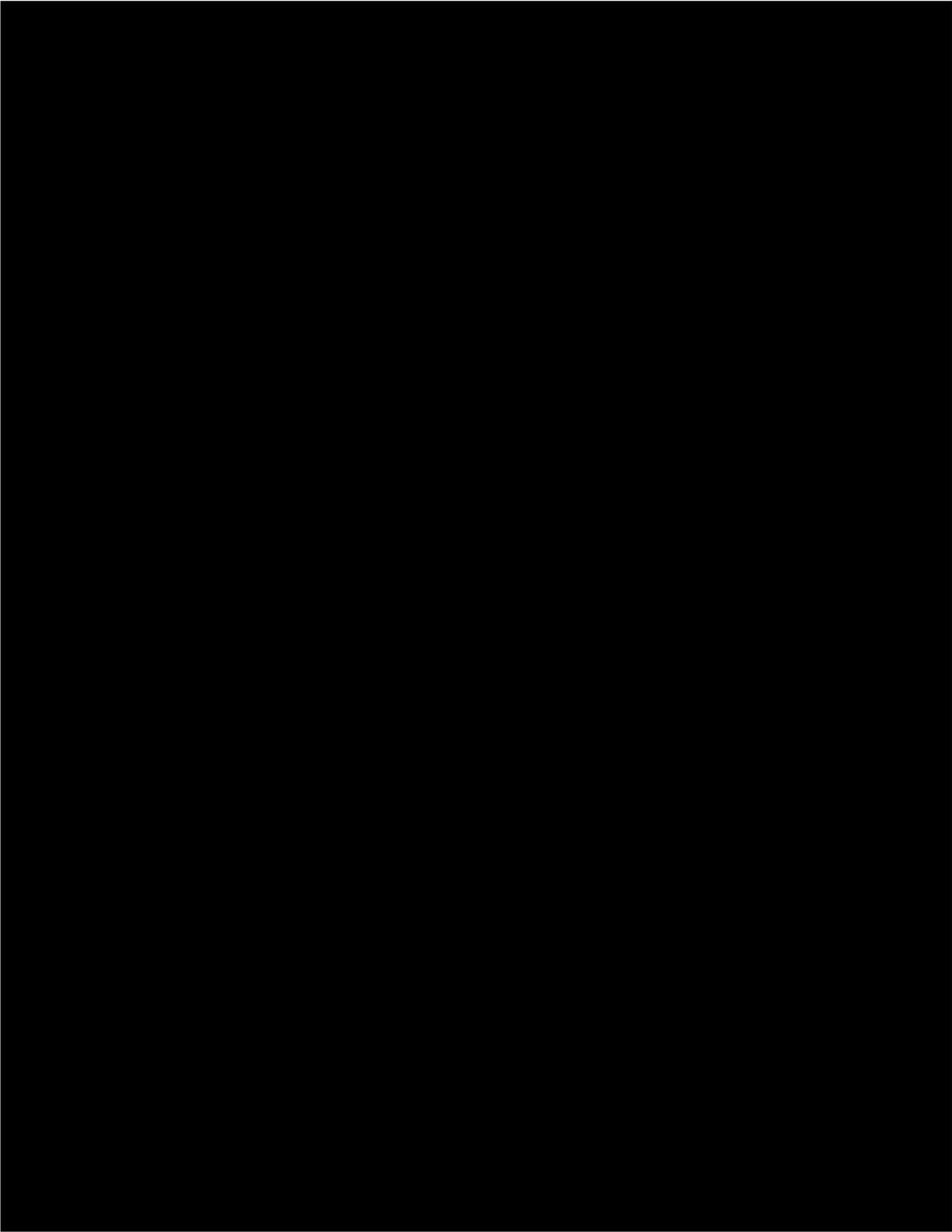
• 501.823.3610 •
 F 501.823.3611

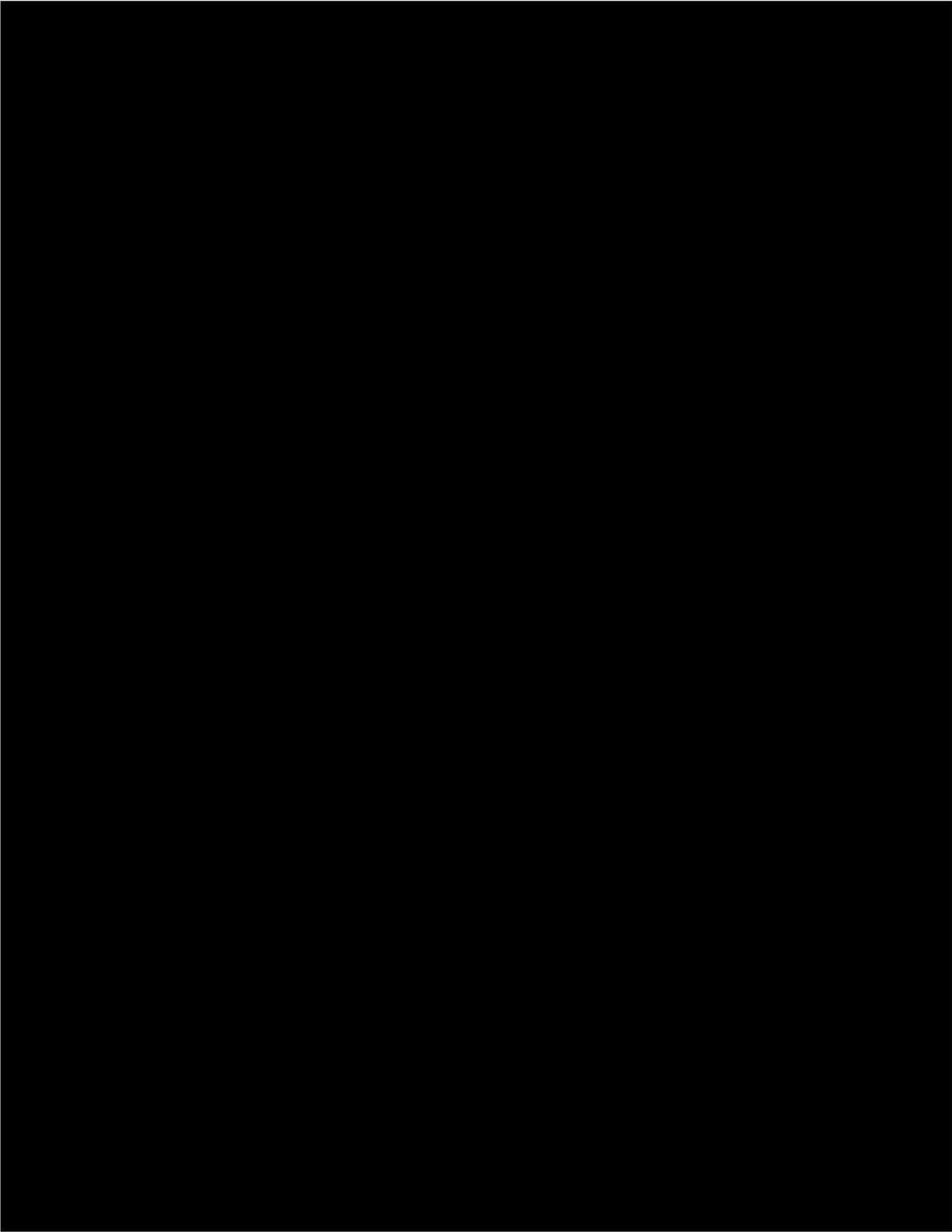
• Jim@JimJacksonAtty.com •

• www.JimJacksonAtty.com









**IN THE CIRCUIT COURT OF LOGAN COUNTY, ARKANSAS
PROBATE DIVISION
III**

**IN THE MATTER OF THE ESTATE OF
JACQUELINE LYNN ASHCRAFT, DECEASED**

NO. 42PR-2021-63

**ORDER APPOINTING
SPECIAL ADMINISTRATRIX AND APPROVING
THE EMPLOYMENT OF ATTORNEYS
TO PURSUE A WRONGFUL DEATH CLAIM**

Now on this 27 day of July, 2021 comes on for consideration by the Court the Petition of Haley Nicole Hudson for appointment as special administratrix of the estate of Jacqueline Lynn Ashcraft, deceased, pursuant to ACA § 28-48-103, and praying that the firm of Easley & Houseal, PLLC be approved as attorneys to pursue a wrongful death action against such tortfeasor(s) as may be liable for the death of the decedent, and from said Petition, the representations of counsel, examination of the attorneys fee agreement entered into between petitioner and said attorneys, the record herein, and other things before the Court, the Court finds:

1. That special administration is hereby opened herein for the purpose of pursuing a wrongful death action on behalf of the deceased's estate;
2. That Haley Nicole Hudson is a proper person, should be, and is hereby appointed special administratrix, and authorized to pursue a wrongful death action;

FILED FOR RECORD

AUG 06 2021 *lyj*

PEGGY FITZJURLS
County and Probate Clerk
Logan County, AR

BOOK X-67 PAGE 847

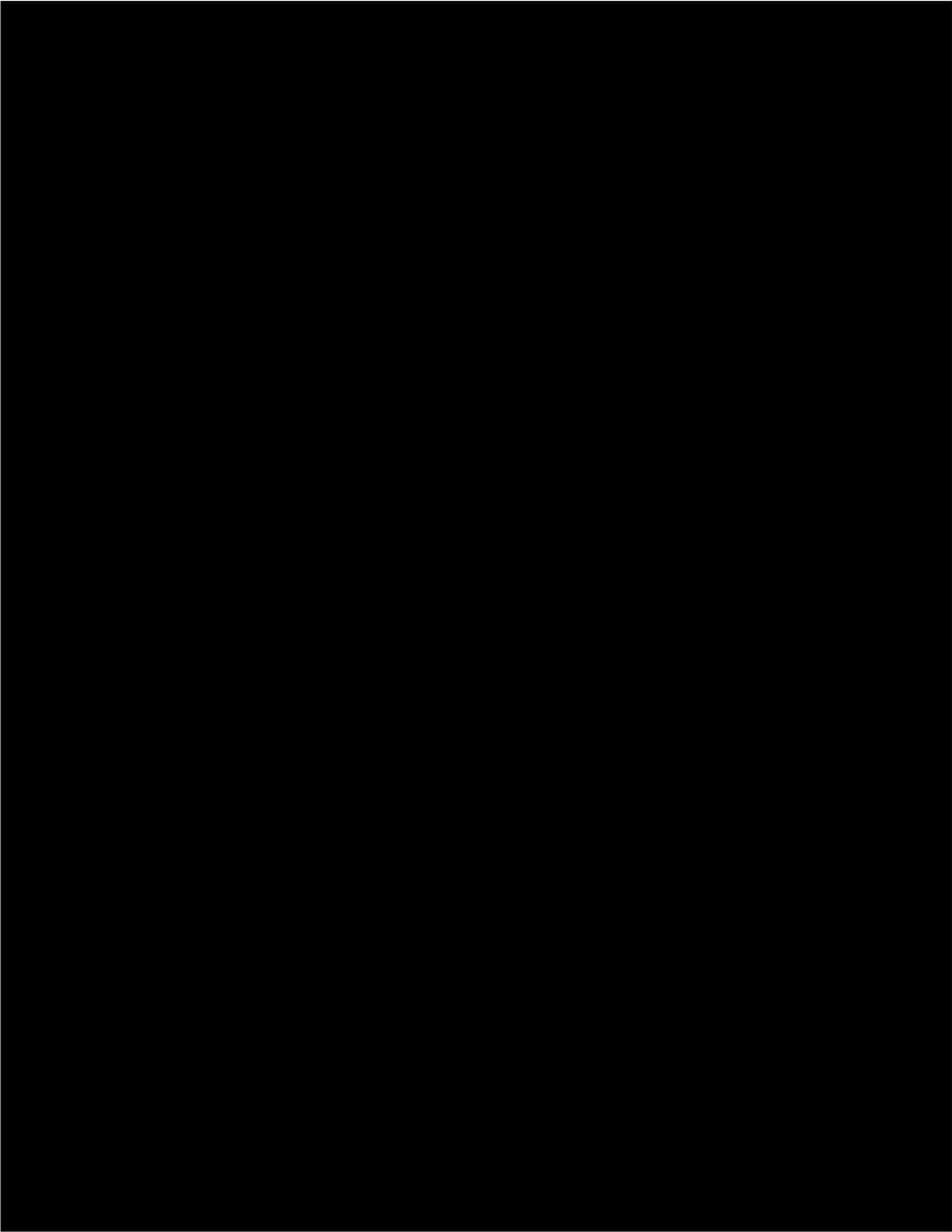
3. That petitioner has signed an attorneys fee agreement with the firm of Easley & Houseal, PLLC. The Court has examined said attorneys fee agreement, and finds same to be reasonable, and in the best interests of the estate. The Court hereby ratifies and confirms same, thereby recognizing said firm as the attorneys of record for the estate, to pursue all wrongful death claims, for all beneficiaries under the Arkansas Wrongful Death Act (ACA § 16-62-102).

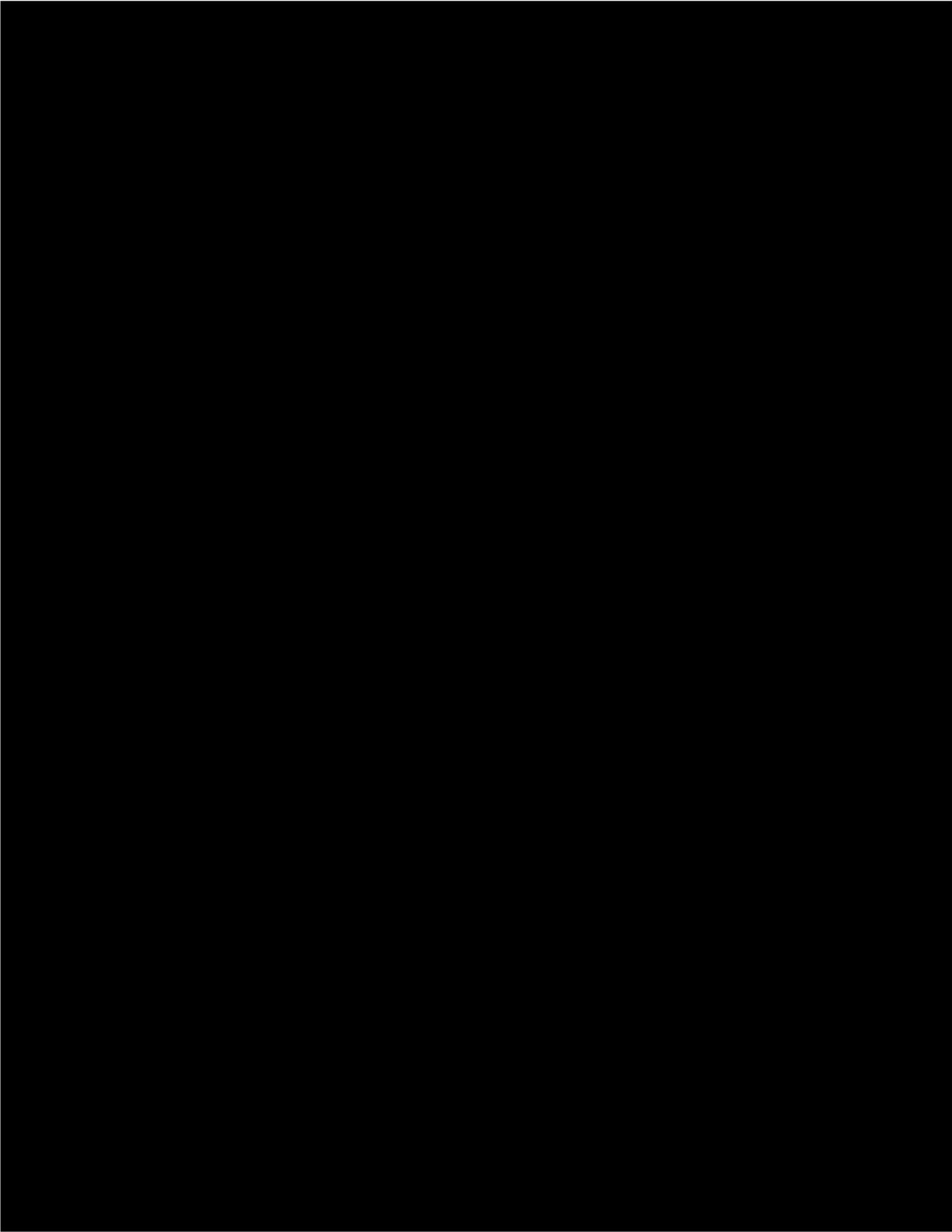
IT IS SO ORDERED.



TERRY M. SULLIVAN, CIRCUIT JUDGE

BOOK X-67 PAGE 848





FILED - MELANIE WINKLER
COUNTY & PROBATE CLERK

JUL 20 2021

CROSS COUNTY ARKANSAS
BY Haley Beth Eakin D.C.IN THE CIRCUIT COURT OF CROSS COUNTY, ARKANSAS
PROBATE DIVISIONIN THE MATTER OF THE GUARDIANSHIP
OF THE PERSON AND ESTATE OF

[REDACTED]

19PR-2021-573

ORDER FOR PERMANENT GUARDIANSHIP

NOW on this July 20 2021, 2021, is presented to the Court the Emergency Petition of Haley Nicole Hudson of Cross County, Arkansas, for her appointment as Permanent Guardian of the person and estate of [REDACTED]. Upon consideration of such Petition, the evidence in support thereof, arguments of counsel, and the facts, the Court finds:

1. [REDACTED] are incompetent by reason of their minority.
2. This court has jurisdiction and venue properly lies in this county.
3. That the Petitioner, Haley Nicole Hudson, appeared in the Cross County Circuit Court today, July 20, 2021 at 9:00 a.m. That the courtroom and hallway of the Cross County Courthouse were sounded three (3) times on July 20, 2021 at 9:00 a.m., and the Respondent, Steven Allen Jones, failed to appear despite being served with notice of the hearing on the 27th day of June, 2021, by Tim McMahon, Process Server.
4. That this court deems the contents of the Verified Emergency Petition for Guardianship filed by the Petitioner, Haley Nicole Hudson, to be admitted and hereby accepts

the affidavits as evidence in support of the grant of a permanent guardianship in this cause.

5. The minor child, [REDACTED] being fourteen years of age or older has consented to the entry of the permanent guardianship in this cause.

6. That it is in the best interest of the minor children that Haley Nicole Hudson be given full guardianship and control of the minor children for any and all purposes endowed to their natural parents, including but not limited to medical and education needs.

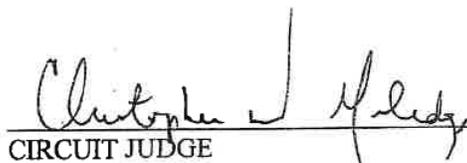
7. That it is hereby ordered that Haley Nicole Hudson is granted permanent guardianship of [REDACTED]

8. That letters of permanent guardianship shall be issued by the Probate Court Clerk of Cross County, Arkansas.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED, that Haley Nicole Hudson, is hereby appointed as permanent guardian of the person and estate of [REDACTED]

[REDACTED] that letters of permanent guardianship shall be issued by the Probate Court Clerk of Cross County, Arkansas; no bond is required because the minor children have no assets in their estate.

IT IS SO ORDERED.


CIRCUIT JUDGE

JUL 20 2021
DATE ENTERED

From: [Martha Cox](#)
To: [Brent Gasper](#)
Cc: [Daiquiri Carter](#); [Kathryn Irby](#); [ASCC Pleadings](#); [Jim Jackson](#)
Subject: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d & Permanent Guardian of [REDACTED], a Minor Child v. Arkansas Department of Human Services Arkansas; State Claims Commission No. 230641
Date: Monday, August 7, 2023 11:13:00 AM
Attachments: [Claimant's Second Set of Interrogatories & RFP - to Arkansas Dept of Human Services.docx](#)
[Claimant's Second Set of Interrogatories and RFP to Respondent.pdf](#)

Mr. Gasper, please find attached the claimant's Second Set of Interrogatories and Requests for Production of Documents to the respondent in the above-referenced case. I am also attaching these discovery requests in Word format for your convenience.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

ARKANSAS STATE CLAIMS COMMISSION

**HALEY HUDSON, SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JACQUELINE LYNN ASHCRAFT,
DECEASED, AND HALEY HUDSON AS PERMANENT
LEGAL GUARDIAN OF [REDACTED] A
MINOR CHILD**

CLAIMANT

VS.

CC NO. 230641

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

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

Comes the claimant, Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Permanent Guardian of [REDACTED] a minor child, by and through her attorney, Jim Jackson, and propounds the following Second Set of Interrogatories and Requests for Production of Documents to the respondent, Arkansas Department of Human Services:

REQUEST FOR PRODUCTION NO. 1: Please attach prints or photocopies of the photographs of the accident scene taken by Brandy Ezell; or, in the alternative, furnish jpg or pdf files to the undersigned so that prints may be made therefrom.

REQUEST FOR PRODUCTION NO. 2: Please attach prints or photocopies of the photographs of the accident scene taken by Pamela Feemster; or, in the alternative, furnish jpg or pdf files to the undersigned so that prints may be made therefrom.

Respectfully submitted,

BY:



Jim R. Jackson, AR Bar #93-209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
(501) 823-3610 phone
(501) 823-3611 facsimile
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Second Set of Interrogatories and Requests for Production of Documents was served on the following counsel of record by either U.S. Mail, postage prepaid, or by electronic service to:

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

/s/ Jim R. Jackson
Jim R. Jackson

Invoice Date: July 31, 2023
Invoice Number: [REDACTED]
Billing Fax:
Bill To:

Arkansas
State Claims Commission
AUG 07 2023
RECEIVED



Global Legal Demand Center

Make checks payable to:
AT&T
PO BOX 5071
CAROL STREAM, IL 60197-5071

ARKANSAS STATE CLAIMS COMMISSION
KATHRYN IRBY
101 EAST CAPITOL AVE, SUITE 410
LITTLE ROCK, ARKANSAS 72207

REF #

GLDC Invoice

File Code	Case Description	Description of	Units	Rate	Amount
3709425	ASHCRAFT VS. ARKANSAS DEPT OF HUMAN SERVICES 230641	Billed Units	1.0	\$25.00	\$25.00
3709425	ASHCRAFT VS. ARKANSAS DEPT OF HUMAN SERVICES 230641	Processing Fee	1.0	\$45.00	\$45.00

Federal Tax ID: 91-1370952

Subtotal: \$70.00
 Payments Received: -\$0.00
 Total Due: \$70.00

JRM



Arkansas
State Claims Commission

AUG 07 2023

RECEIVED

Tax ID Number - 91-1379052 / 84-1659970
D&B Number - 130598238 SUPO

Invoice Date: July 31, 2023

Invoice Number:

File Code:



Due Date	Amount Due	Amount Paid
Upon Receipt	\$70.00	\$ _____

Make checks payable to:
AT&T
PO BOX 5071
CAROL STREAM, IL 60197-5071

Remitted By: ARKANSAS STATE CLAIMS
KATHRYN IRBY
101 EAST CAPITOL AVE, SUITE 410
LITTLE ROCK, ARKANSAS 72207

If paying by credit card please complete the form below and email to ATTMOBILITY.NCC@ATT.COM or send payments made payable to AT&T to our address listed above with remittance slip.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS"

_____ Credit Card Number	_____ EXP DATE
_____ Name As It Appears on the Credit Card	_____ Credit Card Type (Visa, MasterCard, Amex, etc)
_____ Signature	_____ Contact Name & Telephone Number
_____ Date	

Only provide the email address if credit card payment receipt is needed:

Confirmation will be sent by:
DoNotReply@billing-notification.com
with subject line of: ATT - Transaction Receipt for (amount of charge)

From: [Brent Gasper](#)
To: [ASCC New Claims](#); [Jim Jackson](#)
Cc: [Caitlin McDaniel](#)
Subject: RE: Haley Hudson as special administratrix of the Estate of Jacqueline Lynn, Claim No. 230641
Date: Thursday, August 10, 2023 12:18:25 PM

I believe this belongs to me. Thanks for the heads-up.

Brent

Cc: Jim

From: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Sent: Thursday, August 10, 2023 9:59 AM
To: Jim Jackson <JIm@JimJacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Subject: Haley Hudson as special administratrix of the Estate of Jacqueline Lynn, Claim No. 230641

Dear Mr. Jackson and Mr. Gasper,

Please see attached. Contact this office 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

From: [Daiquiri Carter](#)
To: [ASCC Pleadings](#); jim@jimjacksonatty.com; mcox@jimjacksonatty.com
Cc: [Brent Gasper](#); [Daiquiri Carter](#)
Subject: CC #230641
Date: Thursday, August 10, 2023 2:49:36 PM
Attachments: [Respondent's Supplemental Response_001.pdf](#)
[image001.png](#)
[image002.png](#)

Please find attached Respondent's First Supplemental Response to Claimant's First Set of Interrogatories. I have copied Claimant's attorney on this email.

Thank you,

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



□ □ □

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ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JAQUELINE LYNN ASHCRAFT,
DECEASED, AND HALEY HUDSON, AS PERMANENT
LEGAL GUARDIAN OF [REDACTED]
A MINOR CHILD

CLAIMANTS

v.

CC No. 230641

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

RESPONDENT

**RESPONDENT'S FIRST SUPPLEMENTAL RESPONSE
TO CLAIMANT'S FIRST SET OF INTERROGATORIES**

COMES NOW, the Respondent, the State of Arkansas, Department of Human Services, Office of Chief Counsel, by its attorney, Brent P. Gasper, Assistant Deputy Chief Counsel, consistent with its obligation to supplement discovery, with its First Supplemental Response to Claimant's First Set of Interrogatories.

INTERROGATORY NO. 1: Please state the names and complete present or last known addresses and telephone numbers of all persons known to you, your attorneys, or other representatives who have knowledge of the facts relating to the accident as alleged or described in the Complaint (the "accident").

SUPPLEMENTAL ANSWER: Mr. Chris Ihle was a first responder to the accident at issue and had personal contact with the parties to the accident. His phone number is [REDACTED].
[REDACTED] Mr. Ihle was identified as a witness for the first time at the deposition of Brandy Ezell on August 1, 2023.

Respectfully submitted,

By:

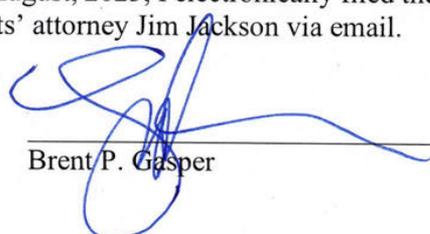


Brent P. Gasper
Assistant Deputy Chief Counsel
Ark. Bar No. 98240

Arkansas Department of Human Services
Office of Chief Counsel
P.O. Box 1437
Little Rock, AR 72203
Phone (501) 320-8950
Brent.Gasper@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent Gasper, hereby certify that on 10 August, 2023, I electronically filed the foregoing with the Claims Commission and copied Claimants' attorney Jim Jackson via email.



Brent P. Gasper

From: [Kathryn Irby](#)
To: [Brent Gasper](#)
Cc: [Jim Jackson](#)
Subject: RE:
Date: Friday, August 11, 2023 12:51:00 PM

Brent, the Commission entered an order on July 21 setting a briefing schedule for responding to Jim's MPSJ in advance of the November 8 hearing date. Commissioner Morris confirmed today that the Commission will address everything related to summary judgment, including DHS' motion to strike Jim's MPSJ, at that November 8 hearing.

The July 21 order gives DHS the timeline in which it may file a response. As Commissioner Morris stated several times, to the extent that DHS wants the Commission to consider its response to Jim's MPSJ, the briefing schedule sets out the deadline for responding.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Friday, August 11, 2023 10:23 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Jim Jackson <jim@jimjacksonatty.com>
Subject:

Kathryn:

Can you please let me know whether I am required to respond to the Motion for Summary Judgment or not. Mr. Morris initially said I did and then at the end of the hearing said I did not.

Please advise.

Thanks,

Brent

Cc: Jim Jackson

Brent P. Gasper

Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

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From: [Brent Gasper](#)
To: [Kathryn Irby](#)
Subject: case
Date: Friday, August 11, 2023 1:57:26 PM

Kathryn, can you talk about this over the phone? I think there is significant confusion about what the Commission previously ordered me to do, what it contended it was going to do, and Mr. Morris' direction this morning. I believe it may stem from Mr. Morris not being a signatory on the July 21 order and therefore not fully aware of what the Commission did on that day.

I'm happy to write out an email but frankly it would be easier just me explaining it to you.

As it stands I'm likely going to have to file yet another motion to expedite the hearing of my motion to strike. I think that might annoy the Commissioners even more than I already have but unless we can all get on the same playing field in regards to the order of things I don't think I'll have any choice.

Thanks,

brent

Brent P. Gasper

Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

**HALEY HUDSON, SPECIAL
ADMINISTRATRIX OF THE ESTATE OF
JACQUELINE LYNN ASHCRAFT,
DECEASED, AND HALEY HUDSON,
PERMANENT LEGAL GUARDIAN OF
[REDACTED], A MINOR CHILD**

CLAIMANT

V.

CLAIM NO. 230641

**ARKANSAS DEPARTMENT OF HUMAN
SERVICES**

RESPONDENT**ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) are two motions filed by the Arkansas Department of Human Services (the “Respondent”), one motion filed by Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased and Haley Hudson, Permanent Legal Guardian of [REDACTED], a Minor Child (collectively referred to as the “Claimant”), and one scheduling issue related to the upcoming November 2023 motions hearing. Respondent’s first motion is seeking to compel Claimant to respond to discovery requests with more specific information about the medical providers seen by Ms. Ashcraft (the “Decedent”) prior to her death. Respondent’s second motion is seeking to sever the claim of the Decedent’s Estate from the claim of [REDACTED] (the “Minor Child”) and to hold the instant claim in abeyance pending resolution of any related possible lawsuit that might be filed by the Minor Child against the Decedent’s Estate in circuit court. Claimant filed a motion to withdraw her first and second sets of requests for admission. At the hearing held on August 11, 2023, Claimant was represented by Jim Jackson, with Ms. Hudson also present, and Brent Gasper appeared on behalf of Respondent.

1. Claimant filed the instant claim seeking damages after the Decedent died following a motor vehicle accident with a vehicle owned by Respondent and operated by an employee of Respondent.

Respondent's Motion to Compel

2. Respondent argued that Claimant has not identified any of the Decedent's medical providers. The discovery request at issue in this motion reads as follows:

Please provide the names, addresses, and phone numbers for all medical professionals, including with limitation physicians, nurses, therapists, counselors, physical therapist, optometrists, osteopaths, or homeopaths, that treated Jacqueline Ashcraft for any reason for the five (5) year period prior to June 11, 2021.

RESPONSE: Haley Hudson does not possess this information.

3. Claimant's counsel responded that Ms. Hudson is the 30 year old daughter of the Decedent. She talked to the Decedent almost daily prior to her death. Ms. Hudson has asked her siblings, but none of them know whether the Decedent saw any medical providers in the five years prior to her death. Ms. Hudson has signed medical authorizations to allow Respondent to get Medicaid information from the State and to get records from any medical provider. Ms. Hudson cleaned out the Decedent's apartment following her death, and Ms. Hudson does not recall seeing any prescription medications or anything related to medical care. Ms. Hudson's siblings were born in Forrest City, but that was more than five years ago.

4. Upon a question from a commissioner, Respondent confirmed that Ms. Hudson had not yet been deposed.

5. Upon a question from a commissioner to Ms. Hudson, Ms. Hudson confirmed that the Decedent lived in Paris, Arkansas, which is in Logan County. Claimant's counsel has sought medical records from the health department in Paris and a medical clinic there, but no such records exist.

6. Upon a question from a commissioner, Claimant's counsel confirmed that he has received some older medical records and that those older medical records can be provided to Respondent.

7. Upon a question from a commissioner, Ms. Hudson confirmed that the Decedent did not have a bank account or credit card and that she paid for everything with cash.

8. Upon a question from a commissioner as to what else Claimant is required to provide to Respondent, Respondent argued that Claimant has a responsibility to give affirmative responses. The chair commissioner noted his disagreement with the argument that Ms. Hudson is required to swear to something that she does not know. Ms. Hudson stated that, the Monday following the Decedent's death, Ms. Hudson received a letter from the State canceling the Decedent's Medicaid coverage due to her death.

9. The Commission finds that Respondent's motion should be denied, although the Commission urges Claimant to provide the older medical records and medical information in its possession to Respondent. The Commission finds that it is unreasonable to require Ms. Hudson to swear to information that she does not know. Should Respondent depose Ms. Hudson and determine that she has knowledge of medical providers not disclosed in discovery, the parties can utilize their remedies provided for in the Arkansas Rules of Civil Procedure, including the supplementation of discovery responses or the filing of an appropriate motion.

Respondent's Motion to Sever and Motion to Hold Claim in Abeyance

10. Respondent argued that it has evidence that the Decedent had controlled substances in her system at the time of her death. Arguing that this goes to the issue of comparative fault, Respondent stated the Minor Child may have a claim against the Decedent's Estate because the Minor Child was a passenger in the Decedent's car at the time of the accident. Respondent asked the Commission to sever the Decedent's Estate's claim from the Minor Child's claim so

that the Minor Child could pursue a lawsuit against the Decedent's Estate in circuit court. Respondent also asked the Commission to hold the instant claim in abeyance while this possible circuit court lawsuit is litigated.

11. Upon a question from a commissioner, Respondent stated that, if a hypothetical lawsuit by the Minor Child against the Decedent's Estate was dismissed pursuant to Arkansas's parental immunity doctrine, Respondent could not require the Minor Child to appeal this dismissal but that Respondent should be able to argue set off if the Minor Child does not utilize her appellate remedies.

12. Claimant argued that the Arkansas Supreme Court has barred minors from suing their parents, and that the parental immunity doctrine is the law of the State of Arkansas. Claimant cited to *Tomey v. S. Farm Bureau Cas. Ins. Co.*, 2021 Ark. 62, 619 S.W.3d 25. Claimant also argued that there is no liability insurance on that vehicle that would apply.

13. Respondent responded, arguing that the parental immunity doctrine in *Tomey* applies to involuntary torts, which does not apply in light of the controlled substances in the Decedent's system.

14. Negligence is an involuntary tort. *Fields v. S. Farm Bureau Cas. Ins. Co.*, 350 Ark. 75, 80–86, 87 S.W.3d 224, 226–30 (2002). Respondent seems to be arguing that the parental immunity doctrine would not apply if the Decedent ingested controlled substances prior to operating her vehicle. However, even if this is true, the Decedent's intoxication would be evidence of negligence for the Commission to consider at the claim hearing but would not convert her actions into a voluntary tort. Ark. Model Jury Instr., Civil AMI 607; *Chicago, Rock Island & Pac. Ry. Co. et al. v. Houston*, 209 Ark. 217, 189 S.W.2d 904 (1945).

15. As such, the Commission finds that Respondent's motion should be denied. To the extent that the Commission were to find comparative fault on the part of the Decedent, any award would be reduced depending on the Decedent's percentage of fault.

Claimant's Motion to Withdraw Requests for Admission

16. Claimant filed a motion to withdraw the first and second sets of requests for admission propounded to Respondent. The Commission finds that Claimant's motion should be granted.

November 2023 Hearing Setting

17. At the beginning of the hearing, Respondent inquired whether the Commission would consider its motion to strike Claimant's motion for partial summary judgment. The Commission advised Respondent that everything related to the issue of summary judgment, including Claimant's motion for partial summary judgment and Respondent's motion to strike, would be taken up by the Commission at the November 2023 hearing.

18. Respondent subsequently asked the Commission to reconsider its decision as to the motion to strike, and the chair commissioner stated that no decision had been made on the motion to strike. The chair commissioner also stated that if Respondent wanted the Commission to review Respondent's response to Claimant's motion for partial summary judgment, Respondent should submit its response pursuant to the briefing schedule in the July 21, 2023, order.

19. Following the hearing, Respondent's counsel sent correspondence to the Commission director asking whether he was "required" to respond to the Claimant's motion for partial summary judgment. The Commission director responded, pointing Respondent to the Commission's July 21, 2023, order, as well as the Commission's directions to the parties regarding the scope of the November 2023 hearing.

20. Respondent's counsel then sent additional correspondence stating that he may file a motion for expedited review of Respondent's motion to strike. The Commission notes that Respondent is free to file any motion that it believes is necessary. That said, the Commission reiterates that the scope of the November 2023 hearing includes Claimant's motion for partial summary judgment and Respondent's motion to strike. Respondent previously agreed to the November 2023 hearing date and, in fact, suggested the due date for its response to Claimant's motion for partial summary judgment.¹ In the parties' agreement to remove the previously scheduled June 29, 2023, special hearing, Respondent did not ask that the Commission consider Respondent's motion to strike before Respondent had responded to Claimant's motion for partial summary judgment.² Moreover, in the July 21, 2023, order, the Commission declined to rule on Respondent's motion to strike, which was logical in light of Respondent's correspondence stating that Respondent might withdraw the motion to strike after the August 11 hearing.³

21. As such, and for the sake of clarity, the Commission notes that, if Respondent would like for the Commission to review its response and (should Respondent file a response) if Claimant would like for the Commission to review its reply brief, those should be filed in

¹ In a June 28, 2023, email between Respondent's counsel, Claimant's counsel, and the Commission director, Respondent's counsel wrote, in pertinent part:

...Again, November 8 works. Can we all agree on October 6 as my response due date? That is a Friday and would even give Jim a little more time to respond if he so chose.

In that same email, Respondent's counsel confirmed that he was not withdrawing his motion to strike (which was filed with other motions):

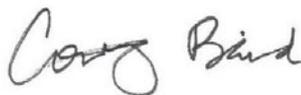
...I would also note that I am *not* withdrawing my motion to strike. I may do so at a later date, more possibly after the Commission's decisions stemming from the August 11 hearing (which I believe will clear up a lot of pending issues), but as of right now I wish to keep my motion to strike pending.

² See fn. 1, *infra*.

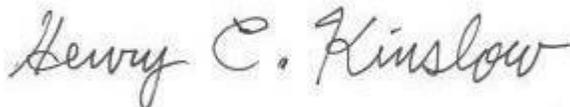
³ See fn. 1, *infra*.

accordance with the briefing schedule in the July 21, 2023, order. That said, Respondent is not required to file a response, and Claimant is not required to file a reply brief. The Commission will consider all currently pending motions related to the issue of summary judgment, including Claimant's motion for partial summary judgment and Respondent's motion to strike, at the November 2023 hearing.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: August 14, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date 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: [Jim Jackson](#); [Martha Cox](#); [Brent Gasper](#); [Daiquiri Carter](#)
Subject: ORDER: Hudson v. DHS, Claim No. 230641
Date: Monday, August 14, 2023 1:43:00 PM
Attachments: [Hudson -- 230641 -- order re motions.pdf](#)

Jim and Brent, please see attached order.

Thanks,
Kathryn

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

From: [Brent Gasper](#)
To: [Kathryn Irby](#)
Subject: RE: case
Date: Monday, August 14, 2023 2:00:17 PM

Thank you Kathryn. I do not believe a phone call is necessary at this point.

I appreciate your assistance with this.

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, August 14, 2023 1:47 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Subject: RE: case

Brent, the order that was just transmitted to the parties should address your questions. I can schedule a telephone call, but Jim will need to be on the call, as well.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Friday, August 11, 2023 1:57 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: case

Kathryn, can you talk about this over the phone? I think there is significant confusion about what the Commission previously ordered me to do, what it contended it was going to do, and Mr. Morris' direction this morning. I believe it may stem from Mr. Morris not being a signatory on the July 21 order and therefore not fully aware of what the Commission did on that day.

I'm happy to write out an email but frankly it would be easier just me explaining it to you.

As it stands I'm likely going to have to file yet another motion to expedite the hearing of my motion to strike. I think that might annoy the Commissioners even more than I already have but unless we can all get on the same playing field in regards to the order of things I don't think I'll have any choice.

Thanks,

brent

Brent P. Gasper

Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street

Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

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From: [Martha Cox](#)
To: [Brent Gasper](#); [ASCC Pleadings](#); [Kathryn Irby](#)
Cc: [Daiquiri Carter](#); [Jim Jackson](#)
Subject: Haley Hudson, Special Adm"x of the Estate of Jacqueline Ashcraft, dec & Permanent Guardian of [REDACTED] a Minor Child v. Arkansas Department of Human Services; Arkansas State Claims Commission No. 230641
Date: Monday, August 14, 2023 4:02:40 PM
Attachments: [Letter to Brent Gasper with Supplemental Response to Discovery for Medical Records.docx](#)
[Pharmacy records - Walmart 2010-2013 for Ashcraft.pdf](#)
[Claimant's 4th Supplemental Answers to Respondent's Interrogatories & RFP.pdf](#)

Please see attached the Claimant's Fourth Supplemental Answers to the Respondent's First Set of Interrogatories and Requests for Production of Documents in the above-referenced case.

If you have any difficulty opening the documents or the link contained therein, please let us know.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com



August 14, 2023

VIA E-MAIL

Mr. Brent Gasper
Arkansas Department of Human Services
Third Party Liability Unit
P.O. Box 1437, Slot W-296
Little Rock, AR 72203-1437

Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline Ashcraft, deceased and Permanent Guardian of [REDACTED], a Minor Child v. Arkansas Department of Human Services
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Mr. Gasper:

Please find enclosed the claimant's Fourth Supplemental Answers to discovery regarding the medical history of Ms. Ashcraft. Please find enclosed Ms. Ascraft's records from Dr. Simmie Armstrong, Jr. These records are from July 11, 1990, through April 20, 1999. Dr. Armstong's office address is: 1400 West 43rd Avenue, Pine Bluff, AR 71603.

[Medical records - Dr Simmie Armstrong - Ashcraft.pdf](#)

Also enclosed are four (4) pages of pharmacy records from Walmart Pharmacy.

Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is Jim@JimJacksonatty.com.

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosures



702 SW 8th Street
Bentonville, AR 72716-0215
Phone 479.204.6788
Fax 479.204.9655

Legal

HIPAA Team

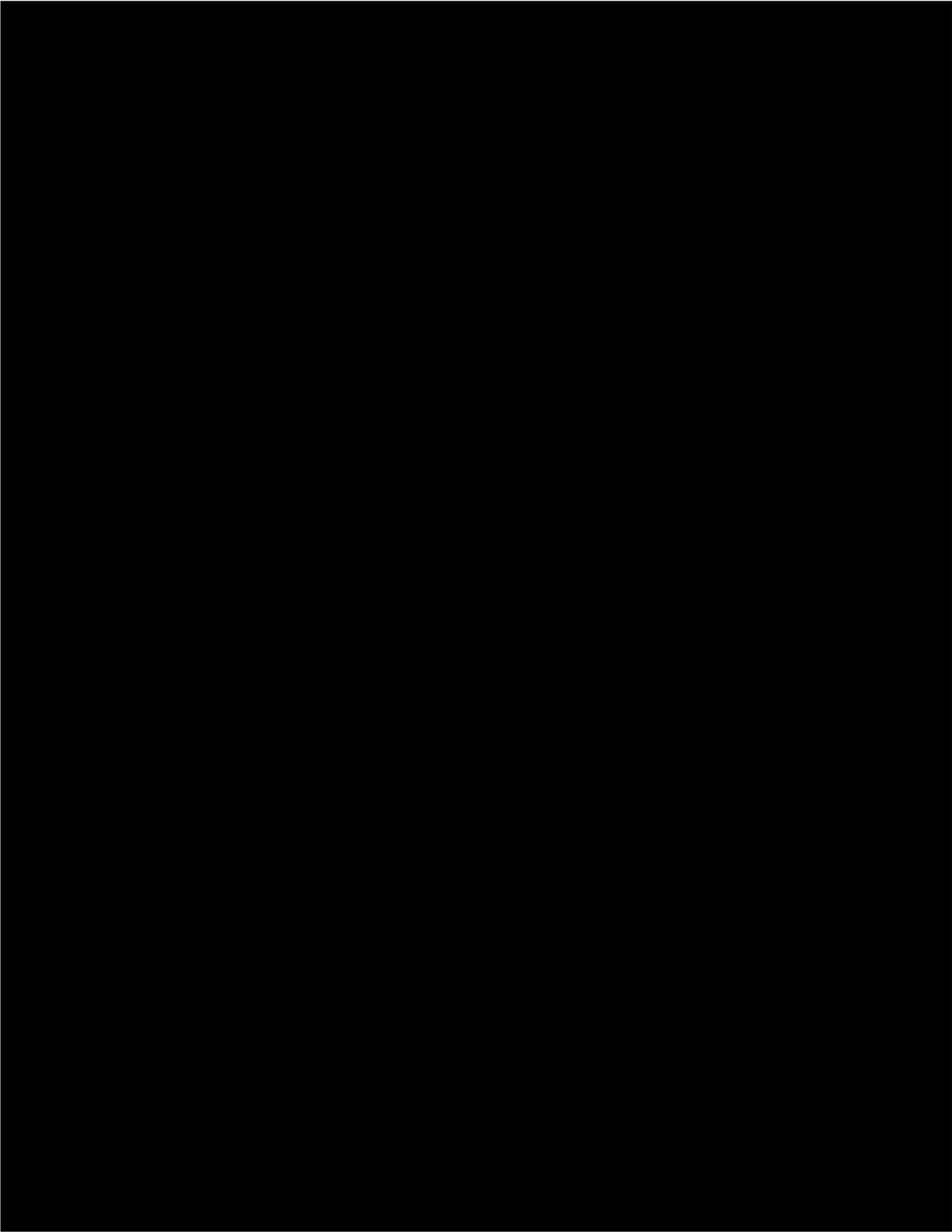
Dear Requestor,

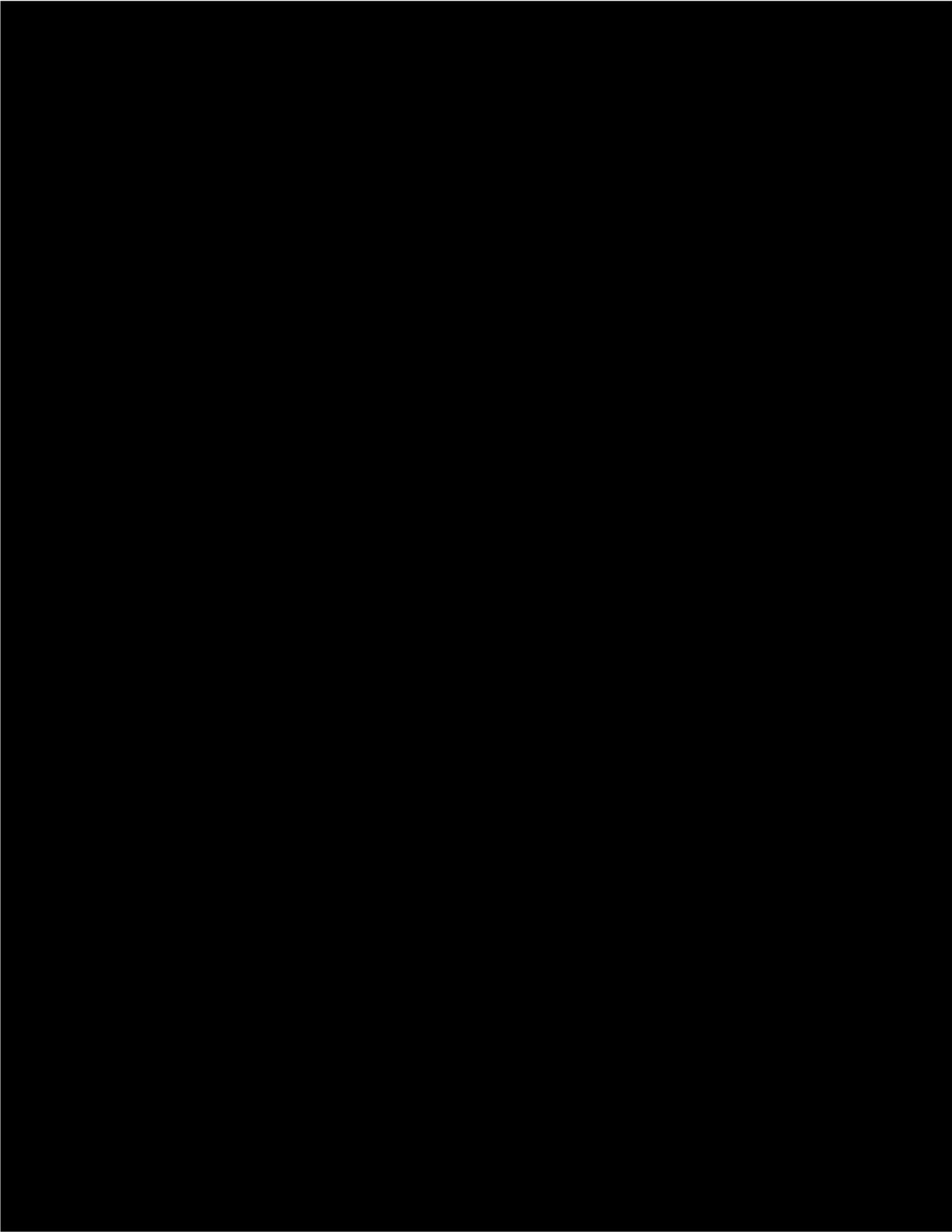
The records produced herewith are accurate, complete, true, and correct copies of all records received or retrieved to the best of our knowledge by Legal pursuant to your request. Walmart Inc. is the custodian of record, that the records were kept in the regular course of business and that this is a regularly conducted business activity, that these records were made at or near the time the acts, events, conditions, opinions, or diagnoses occurred or within a reasonable time thereafter, that the charges were reasonable for similar services, necessary as payment for a prescription filled by our Walmart Health pursuant to a doctor's orders and finally that these records were made by, or from information transmitted by, a person with knowledge of the acts, events, conditions, opinions or diagnoses stated therein.

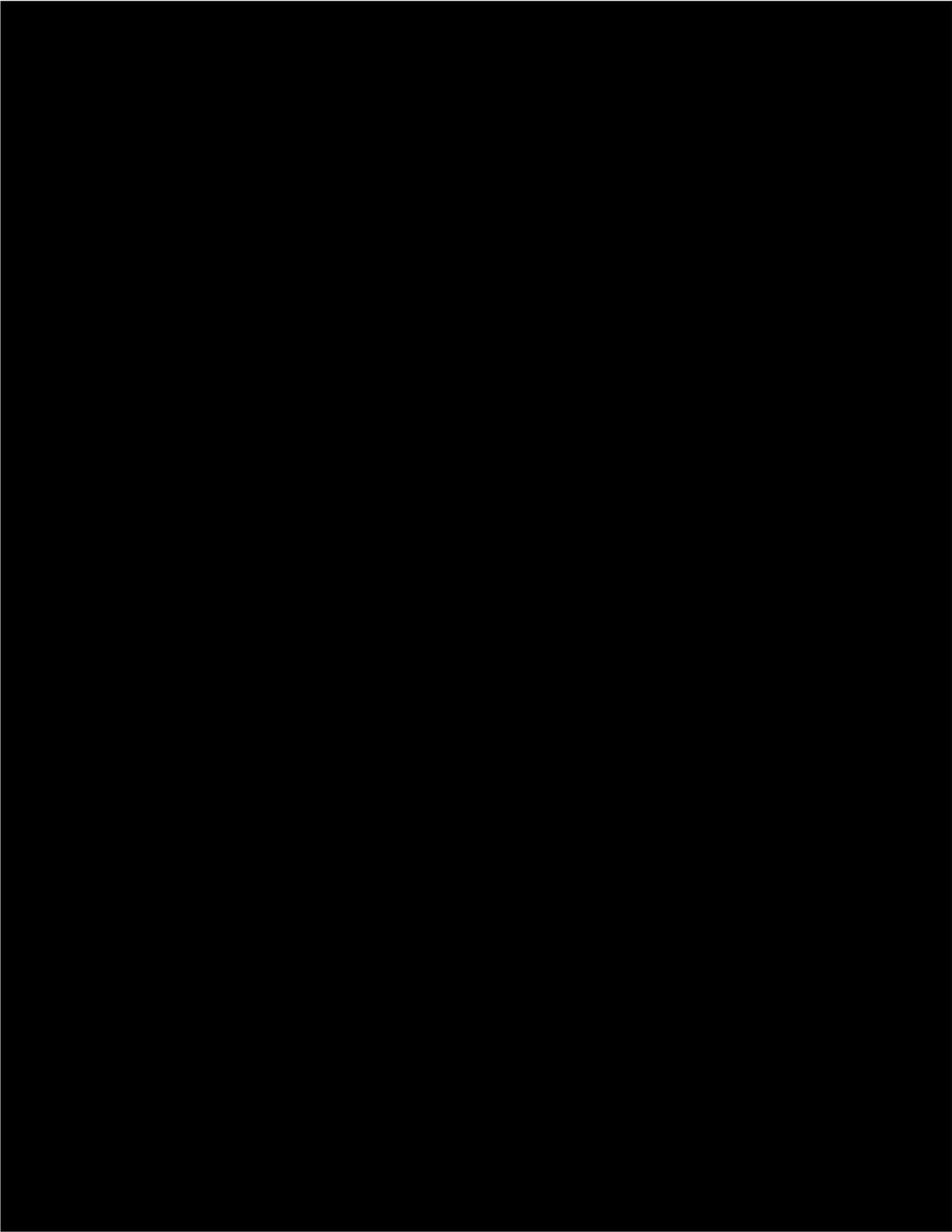
If you have any questions or need further assistance, please feel free to contact via email hportreq@wal-mart.com or phone 479-204-6788.

Sincerely,

Release of Information Team
Health Information Management







ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL
ADMINISTRATRIX OF THE ESTATE OF JACQUELINE
LYNN ASHCRAFT, DECEASED,
AND HALEY HUDSON AS PERMANENT LEGAL
GUARDIAN OF [REDACTED]
[REDACTED], MINOR CHILDREN

CLAIMANT

v.

CC No. 230641

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

RESPONDENT

**FOURTH SUPPLEMENTAL ANSWERS TO RESPONDENT'S
FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO
CLAIMANT HALEY HUDSON, INDIVIDUALLY,
AS SPECIAL ADMINISTRATRIX, AND AS LEGAL GUARDIAN**

Comes now the Claimant, Haley Hudson, and for her Fourth Supplemental Answers to the respondent's First Set of Interrogatories and Requests for Production of Documents, states:

INTERROGATORY NO. 7: Please provide the names, addresses, and phone numbers for all medical professionals including without limitation physicians, nurses, therapists, counselors, physical therapists, optometrists, osteopaths, or homeopaths, that treated Jacqueline Ashcraft for any reason for the five (5) year period prior to June 11, 2021.

RESPONSE: Attached (in the link below) are medical records upon Jacqueline Ashcraft from Dr. Simmie Armstrong, Jr., for dates of service 7/11/1990 – 4/20/1999. Dr. Armstong's office address is: 1400 West 43rd Avenue, Pine Bluff, AR 71603.

[Medical records - Dr Simmie Armstrong - Ashcraft.pdf](#)

Please see attached the pharmacy records upon Jacqueline Ashcraft from Walmart Pharmacy for the years 2010 – 2013.

Respectfully Submitted,

Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

By: /s/ Jim Jackson

Jim R. Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim R. Jackson, hereby certify that I have electronically filed the foregoing with the Arkansas Claims Commission and copied the respondent's attorney, Brent P. Gasper, via email.

/s/ Jim Jackson

Jim R. Jackson

From: [Martha Cox](#)
To: [ASCC Pleadings](#)
Cc: [Brent Gasper](#); [Daiquiri Carter](#); [Jim Jackson](#)
Subject: Haley Hudson, Special Adm"x of the Estate of Jacqueline Ashcraft, dec"d & Permanent Guardian of [REDACTED], a Minor Child v. Arkansas Department of Human Services; Arkansas State Claims Commission No. 230641
Date: Wednesday, August 16, 2023 10:16:03 AM
Attachments: [Claimant's Second Supplemental Exhibits to MPSJ 8-16-2023.pdf](#)
[Letter to Kathryn Irby with Claimant's Second Supp Exhibits to MPSJ 8-16-2023.pdf](#)

Please find attached, for filing in the above-referenced case, a letter from Attorney Jim Jackson to Kathryn Irby and Claimant's Second Supplemental Exhibits to Claimant's Motion for Partial Summary Judgment on Issue of Liability. Three copies of the Claimant's Second Supplemental Exhibits to Claimant's Motion for Partial Summary Judgment are being mailed today to the Claims Commission.

By copy of this e-mail, the Claimant's Second Supplemental Exhibits to Claimant's Motion for Partial Summary Judgment is being served upon the respondent's counsel of record.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com



August 16, 2023

VIA Email and First-Class Mail
 ASCCPleadings@arkansas.gov
 Kathryn.Irby@arkansas.gov

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline
 Lynn Ashcraft, deceased and Permanent Guardian of
 [REDACTED] a minor vs. The Arkansas Department of Human Services*
 Arkansas State Claims Commission No. 230641
 Incident Date: 6/11/2021 - Logan County

Dear Kathryn:

Please find enclosed the original and three copies of the claimant's Second Supplemental Exhibits to her Motion for Partial Summary Judgment on Issue of Liability for filing in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,

Jim R. Jackson

JRJ/mc
 Enclosures

cc/enc.: Brent Gasper, Esq. (via e-mail only)

JIM JACKSON // Attorney at Law

700 W. Broadway Street; Suite 200
 North Little Rock, AR 72114-5528

501.823.3610
 Fax: 501.823.3611

Jim@JimJacksonAtty.com

www.JimJacksonAtty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, SPECIAL ADMINISTRATRIX OF
 THE ESTATE OF JACQUELINE LYNN ASHCRAFT,
 DECEASED AND HALEY HUDSON AS PERMANENT
 LEGAL GUARDIAN OF [REDACTED] A
 MINOR CHILD

CLAIMANT

VS.

CC NO. 230641

ARKANSAS DEPARTMENT OF
 HUMAN SERVICES

RESPONDENT

**CLAIMANT'S SECOND SUPPLEMENTAL EXHIBITS TO THE
 MOTION FOR PARTIAL SUMMARY JUDGMENT ON ISSUE OF LIABILITY**

Comes now the claimant, Haley Hudson, by and through her attorney, Jim Jackson, and for her Second Supplemental Exhibits to the Motion for Partial Summary Judgment on the Issue of Liability, states:

1. The comprehensive Affidavit of Bobby D. Wilson, who was the third driver involved in this automobile accident, is attached hereto as Exhibit 1 and incorporated in the Motion for Partial Summary Judgment on the Issue of Liability as if set out word for word.

2. Mr. Wilson's comprehensive Affidavit unequivocally states that the driver of the blue car, Ashcraft, made the normal driving procedure to attempt a left-hand turn as an oversized load was approaching. Mr. Wilson's Affidavit is also clear that the respondent's employee, Wilkerson, was driving at a high rate of speed and driving "with her head down as if she were looking down at her cellular phone."

3. Mr. Wilson's testimony corroborates the findings of Trooper James Ray and expert reconstructionist Stanley Cain – this wreck was caused solely by the negligence of the respondent's employee, Jennifer Wilkerson.

4. Pursuant to Rule 56 of the Arkansas Rules of Civil Procedure, the claimant is entitled to judgment on the issue of liability as a matter of law for the reasons set forth herein

and in her original Motion for Partial Summary Judgment and Brief in Support and in her Response to the respondent's Motion to Strike Claimant's Motion for Summary Judgment, or Alternatively, Respondent's Motion for an Enlarged (sic) of Time to Respond to Claimant's Motion for Summary Judgment.

5. There is no genuine issue of material fact that Jennifer Wilkerson was solely responsible for causing the collision at issue while operating a vehicle within the course and scope of her employment with the respondent.

6. Obtaining a deposition of Mr. Wilson has proven difficult due to the fact that Mr. Wilson is a truck driver who resides in Alabama. He drives "oversized loads" such as the modular home that he was transporting on the day of the wreck, which is the subject of this litigation. Mr. Wilson only answers his mobile telephone when he is not at work.

7. Attached as Exhibit 2 is the Affidavit of Kristen Mauldin, a toxicologist for the Arkansas Crime Laboratory, who performed the urinalysis testing on Jacqueline Ashcraft's sample.

8. Ms. Mauldin's Affidavit confirms that the urine sample is only a qualitative analysis and not a quantitative analysis. The test results do not shed any light as to whether or not Ms. Ashcraft or Ms. Wilkerson were "under the influence of an intoxicant" on June 11, 2021.

9. The claimant adopts her argument in paragraphs three through eight in her Response to the Respondent's Motion to Strike Claimant's Motion for Summary Judgment, which addressed the allegation of "intoxication" by both Jacqueline Ashcraft and Jennifer Wilkerson.

10. Paramedic Holly Newman was the first medical provider to arrive at the accident scene. Ms. Newman testified in her deposition that Ms. Ashcraft appeared normal,

answered questions appropriately, and her pupils responded normally. (Ms. Newman was deposed on July 31, 2023, and the transcript of her deposition is pending.)

WHEREFORE, the claimant prays that the Commission enter an Order granting the claimant's Motion for Partial Summary Judgment on the Issue of Liability and set this matter for a hearing on damages in the Spring.

Respectfully submitted,



Jim Jackson, AR Bar #93209
 Jackson Law Firm
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 North Little Rock, AR 72114
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CERTIFICATE OF SERVICE

I hereby certify that on this date, August 16, 2023, I electronically transmitted the attached pleading via e-mail to the Clerk of the Arkansas State Claims Commission and to:

Brent Gasper, Esq.
 Assistant Deputy Chief Counsel
 Attorney for the Respondent
 P.O. Box 1437
 Little Rock, AR 72203-1437
Brent.Gasper@dhs.Arkansas.gov



Jim Jackson

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CLEAR COPY OF AFFIDAVIT

- THE FOLLOWING IS AN EXACT COPY OF BOBBY DALE WILSON'S AFFIDAVIT WHICH HAS BEEN PRINTED ON COPY PAPER FOR THE READING CONVENIENCE OF THE COMMISSIONERS.
- MR. WILSON'S EXECUTED AFFIDAVIT WAS FAXED TO THE CLAIMANT'S COUNSEL AND CONTAINS MULTIPLE FAX LINES ON EACH SHEET WHICH MAY MAKE IT DIFFICULT TO READ.



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**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

AFFIDAVIT OF BOBBY DALE WILSON

Comes now Bobby Dale Wilson, and for his Affidavit, states:

1. My name is Bobby Dale Wilson. I reside at [REDACTED]

[REDACTED] My date of birth is [REDACTED] I am over the age of 18 and am mentally competent to make this affidavit.

2. I am a commercial truck driver. I transport modular homes which are generally classified as an "oversized load."

3. I was transporting a modular home on June 11, 2021, on State Highway 22.

4. I was traveling west towards Paris, Arkansas.

5. Because I transport an oversized load, I must pay very close attention to all automobile traffic. I am always diligent about keeping my load under control and staying in my lane of traffic.

6. I have good visibility of drivers approaching my rig because the seat of a Peterbilt tractor is much higher than the seat of a passenger vehicle.

7. This particular section of Highway 22 is very well maintained. The highway has an eastbound and westbound lane with fresh paint and a wide shoulder on both sides of the road.

8. An "Escort Car" was in front of my oversized load at all times as I was transporting my load on June 11, 2021. The "Escort Car" displayed a visible "Oversize Load" sign in both the front and rear. The signs are at least 5' long and 12" in height. They are yellow with black letters. The "Escort Car" had two safety flags on all four corners of the vehicle. Each flag is at least 18" in length. My "Escort Car" had an amber-colored flashing light that is mounted on top of the car so it is visible from a 360-degree angle for a minimum of 500 feet.

9. I noticed a blue passenger car traveling east towards me with its left-hand turn signal on as I was approaching the city limits of Paris.

10. The blue car slowed to either to a full stop or was barely moving to allow my tractor trailer rig to clear the roadway before making a left-hand turn into a residential driveway on the north side of Highway 22.

11. The blue vehicle took the appropriate action to avoid a collision with my tractor trailer rig. This included using its left turn signal, slowing down, and coming to a stop to wait for oncoming traffic to pass. The blue car had to wait for my load to clear the roadway before it could safely make a left-hand turn.

12. The driver of the blue car stayed in the eastbound lane of travel but moved to the right while staying in the traffic lane. This is the action most drivers take when approaching an oversized load such as mine.

13. The passenger tires of the blue car were either on the white fog line or very close to the white fog line when I approached it.

14. The blue car is in the photograph attached as **Exhibit 1**.

15. I observed a brown car traveling east behind the blue car. This car is in the photograph attached as **Exhibit 2**.

16. I later learned that the brown car was driven by an employee of the State of Arkansas.

17. The brown car was driving at a high rate of speed toward the rear end of the blue car.

18. There was nothing blocking my vision of the brown car as it approached my rig.

19. I observed the driver of the brown car with her head down as if she were looking down at her cellular phone.

20. I did not observe the driver of the brown car take any evasive actions to avoid rear-ending the blue car.

21. I did not hear the sound of skidding of tires from braking prior to impact.

22. The brown car spun into the side of my rig after its impact with the blue car.

23. I did not observe the driver of the blue car do anything to contribute to or cause the collision.

24. I pulled over to the right immediately and notified the authorities of the wreck.

25. I have explained these same facts to the attorney for the State of Arkansas who has called me multiple times.

26. The statement I provided to the investigating officer on June 11, 2021, is attached as **Exhibit 3**.

27. The photograph attached as **Exhibit 4** shows my rig parked on the side of the road. The location of the collision is behind my trailer. This photo appears to have been taken shortly after the wreck.

28. The three (3) diagrams prepared by Trooper Ray accurately depict the events and path of travel of the vehicles and the sequence of events for this wreck. These three (3) diagrams are attached as **Exhibit 5**.

IN THE CIRCUIT COURT OF LOGAN COUNTY, ARKANSAS

HALEY HUDSON, SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [REDACTED] A MINOR CHILD

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3. I was transporting a modular home on June 11, 2021, on State Highway 22.
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7. This particular section of Highway 22 is very well maintained. The highway has an eastbound and westbound lane with fresh paint and a wide shoulder on both sides of the road.



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28. The three (3) diagrams prepared by Trooper Ray accurately depict the events and path of travel of the vehicles and the sequence of events for this wreck. These three (3) diagrams are attached as Exhibit 5.

Bobby D. Wilson
Bobby Dale Wilson

ACKNOWLEDGMENT

STATE OF Alabama)
COUNTY OF Lamar)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 17th day of July, 2023.

Lana Holliday
NOTARY PUBLIC

My Commission Expires:

05/12/2025

SEAL



