

AFFIDAVIT OF KRISTEN MAULDIN

Comes now Kristen Mauldin, and for her Affidavit, states:

- 1) My name is Kristen Mauldin. I am over the age of 18 and am mentally competent to make this Affidavit.
- 2) I am a Toxicologist employed by the Arkansas State Crime Laboratory.
- 3) The Arkansas Crime Laboratory has a forensic testing laboratory which is ANAB accredited.
- 4) I am the Toxicologist that issued the report for Jacqueline Ashcraft. I performed certain portions of the analysis on the urine sample for Jacqueline Ashcraft.
- 5) The date listed as the date specimen was collected for Jacqueline Ashcraft's urine was 5:27 p.m. on June 11, 2021 according to the Investigating Officer's Report form that accompanied the urine sample.
- 6) Our laboratory performs a qualitative drug test on urine samples. The laboratory performs quantitative testing on urine for ethanol.
- 7) A qualitative test shows the presence or absence of a drug. A qualitative test result does not reveal an amount of drug in a specimen.
- 8) I can only speak on impairment when it comes to ethanol values as they related to per se laws.
- 9) As a toxicologist, I cannot testify as to when the drug was ingested per se but I can testify to typical half-lives of drugs.

FURTHER AFFIANT SAYETH NOT.

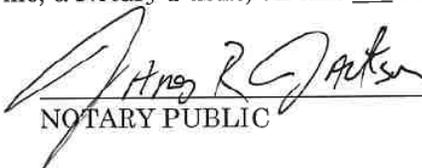

Kristen Mauldin



ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF PULASKI)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 10th day of July, 2023.



NOTARY PUBLIC

My Commission Expires:

JAMES R. JACKSON
NOTARY PUBLIC - STATE OF ARKANSAS
PULASKI COUNTY
My Commission Expires 10-14-2031
Commission # 12384804

From: [Daiquiri Carter](#)
To: [ASCC Pleadings](#); jim@jimjacksonatty.com; [Martha Cox](#)
Cc: [Brent Gasper](#); [Daiquiri Carter](#)
Subject: Notice of Deposition
Date: Wednesday, August 23, 2023 10:51:25 AM
Attachments: [Notice of Deposition_001.pdf](#)
[image001.png](#)
[image002.png](#)

Please find attached a Notice of Deposition for Haley Hudson, [REDACTED].
 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



□ □ □

NOTE - This email may contain sensitive or confidential information.

CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment(s) is 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 which this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying or distribution 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 and delete the message and attachment(s) from your system.

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

NOTICE OF DEPOSITION

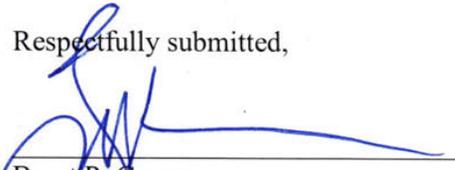
TO: Jim Jackson

Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528

NOTICE is hereby given that the Respondent will take the depositions of Haley Hudson,
[REDACTED] on Thursday, September 7, 2023, beginning at 1:00 p.m. at the
Department of Human Services, located at 803 US-64, Wynne, AR, for all purposes, upon oral
examination, before a Certified Coury Reporter, duly authorized to administer oath, and recorded
by stenographic means. The deposition will continue until completed.

Respectfully submitted,

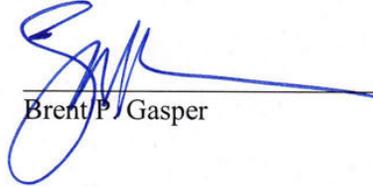
By:


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 23 August, 2023, I electronically filed the foregoing with the Claims Commission and copied Claimants' attorney Jim Jackson via email.



Brent P. Gasper

From: [Brent Gasper](#)
To: [Jim Jackson](#)
Cc: [Daiquiri Carter](#); [ASCC Pleadings](#)
Subject: Hudson v. DHS, case #230641- Response to Request for Production
Date: Wednesday, August 23, 2023 12:08:04 PM

Jim:

In response to your second set of interrogatories and requests for production you filed on or about August 7 of this year, after speaking with both Brandy Ezell and Pamela Feemster about any additional photographs they may have taken at the scene, neither can locate them, if they did exist in the first place. All photos the existence of which we are aware that were taken by Brandy Ezell or Pamela Feemster have already been turned over to you in responses to previous discovery requests.

Please let me know if you have any questions or concerns regarding this response.

Thanks,

Brent

Cc: Kathryn Irby, Daiquiri Carter,

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: [Kathryn Irby](#)
To: [Daiquiri Carter](#); jim@jimjacksonatty.com; [Martha Cox](#)
Cc: [Brent Gasper](#)
Subject: HEARING LTR/ZOOM INVITATION: Hudson v. DHS, Claim No. 230641
Date: Thursday, August 24, 2023 8:34:00 AM
Attachments: [Hudson v. DHS -- 230641 -- hearing ltr and Zoom invitation.pdf](#)

Jim and Brent, please see attached hearing letter and Zoom invitation for the November 8 hearing.

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

August 24, 2023

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

(via email)

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

(via email)

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

Dear Mr. Jackson and Mr. Gasper,

Enclosed please find the Zoom invitation for the motions hearing scheduled for **Wednesday, November 8, 2023**, beginning at 9:00 a.m. Pursuant to the Commission's August 14, 2023, order, the Commission will take up Claimant's motion for partial summary judgment and Respondent's motion to strike same at this motions hearing.

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/j/87626344312?pwd=UlkyR2xsc0h3VjZwaFhObHcrblgxUT09>

From: [Jim Jackson](#)
To: [Brent Gasper](#); [ASCC Pleadings](#)
Cc: [Daiquiri Carter](#); [Martha Cox](#)
Subject: 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 Co.
Date: Tuesday, September 12, 2023 12:54:20 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[3761_001.pdf](#)
[Stanley Cain Emails 1.pdf](#)
[Text Messages to Stanley Cain.pdf](#)

Brent,

Please find attached 3 PDF files to supplement the Claimant's response to discovery about expert witness Stanley Cain.

One of the e-mails was inadvertently not included in the file "Stanley Cain Emails 1.PDF" so we just created a separate PDF file for it instead of starting all over.

Please let me know if you have any issue opening these PDF files.

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: Monday, September 11, 2023 10:40 PM
To: Jim Jackson
Subject: Ashcraft Photographs

Jim:

I worked up a list of photos that you can print to 8 X 10.

My scene inspection photos: 0829, 0831, 0837, 0838, 0842, 0844, 0852, 0854, 0857, 0860.

Trooper Ray's photos: 7135, 7142, 7143, 7144, 7146, 7147, 7156, 7157, 7158.

I received the photos and depositions today that you mailed to me.

Stanley Cain
Stanley B. Cain Accident Reconstructionist, LLC
P.O. Box 836, Waldron, AR 72958
[REDACTED]

From: Jim Jackson
Sent: 9/12/2023 9:52:53 AM
To: [REDACTED]
Subject: Photos

Mr. Cain,
I want to make sure you have received all of the JPG images.
Please see the Hyperlink below.

[Ashcraft, Jacqueline; Deceased \(Haley Hudson\)](#)

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: Jim Jackson
Sent: 9/12/2023 9:52:53 AM
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Subject: Photos

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[Ashcraft, Jacqueline; Deceased \(Haley Hudson\)](#)

Jim



Jim Jackson

Jackson Law Firm

JimJacksonAtty.com

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



From: Jim Jackson
Sent: 6/26/2023 8:41:29 AM
To: [REDACTED]
Cc: Martha Cox
Subject: the Estate of Jacqueline Lynn Ashcraft, deceased
Attachments: Exhibit E to Motion to Strike.pdf

Stanley,
Can you review the attached and call me at
[REDACTED]?



Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

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



From: Jim Jackson
Sent: 6/25/2023 3:37:18 PM
To: [REDACTED]
Cc: Martha Cox
Subject: The Estate of Jacqueline Lynn Ashcraft, deceased
Attachments: Affidavit of Stanley Cain.docx, 4 Aerial Drone Photos.pdf

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



Jim Jackson

Jackson Law Firm

JimJacksonAtty.com

700 W. Broadway

North Little Rock, AR 72114

P (501) 823-3610

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From: Jim Jackson
Sent: 6/19/2023 2:43:54 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 aerials 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>](mailto:johnny@jimjacksonatty.com)

[<image003.jpg>](mailto:johnny@jimjacksonatty.com)

-
[<image004.jpg>](mailto:johnny@jimjacksonatty.com)

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]

[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>

From: Jim Jackson
Sent: 8/29/2023 9:25:11 AM
To: Stanley Cain
Cc: Martha Cox
Subject: Re: Jacqueline Ashcraft Collision

Thank you
Jim

Jim Jackson
Attorney at Law
700 West Broadway St: Suite 2
North Little Rock, AR 72114
(501) 823-3610

On Aug 29, 2023, at 4:29 AM, Stanley Cain [REDACTED] wrote:

Jim:

I reviewed the affidavit from Mr. Wilson. I don't see any amendments needed for my report, or revisions of my conclusion and opinion.

September 14th at 1:00 in Little Rock works for me. Just let me know the location. We will visit before that day.

Thanks.

Stanley Cain
Stanley B. Cain Accident Reconstructionist, LLC
P.O. Box 836, Waldron, AR 72958
[REDACTED]

From: Jim Jackson
Sent: 6/26/2023 8:07:34 AM
To: 'Stanley Cain'
Subject: RE: The Estate of Jacqueline Lynn Ashcraft, deceased

Sounds good, thanks!
Jim



Jim Jackson

Jackson Law Firm
JimJacksonAtty.com

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



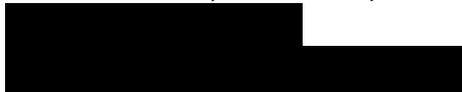
From: Stanley Cain [REDACTED]
Sent: Sunday, June 25, 2023 6:47 PM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: The Estate of Jacqueline Lynn Ashcraft, deceased

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



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



Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

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



From: Jim Jackson
Sent: 6/22/2023 2:14:11 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

From: Jim Jackson
Sent: 5/30/2023 8:24:44 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

From: Jim Jackson
Sent: 5/17/2023 8:50:33 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





From: Stanley Cain
Sent: 6/26/2023 1:45:41 PM
To: Jim Jackson
Subject: RE: The Estate of Jacqueline Lynn Ashcraft, deceased
Attachments: Signature Page.pdf, Copy of DL.jpg
Importance: Normal

Jim:

Attached is the signed signature page. Also I attached a copy of my DL in case your notary needs it for her files.

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



Sent from [Mail](#) for Windows

From: [Jim Jackson](#)
Sent: Monday, June 26, 2023 8:07 AM
To: [Stanley Cain](#)
Subject: RE: The Estate of Jacqueline Lynn Ashcraft, deceased

Sounds good, thanks!
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: Sunday, June 25, 2023 6:47 PM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: The Estate of Jacqueline Lynn Ashcraft, deceased

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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

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Also, I will need a copy of your CV.
Thank you,
Jim

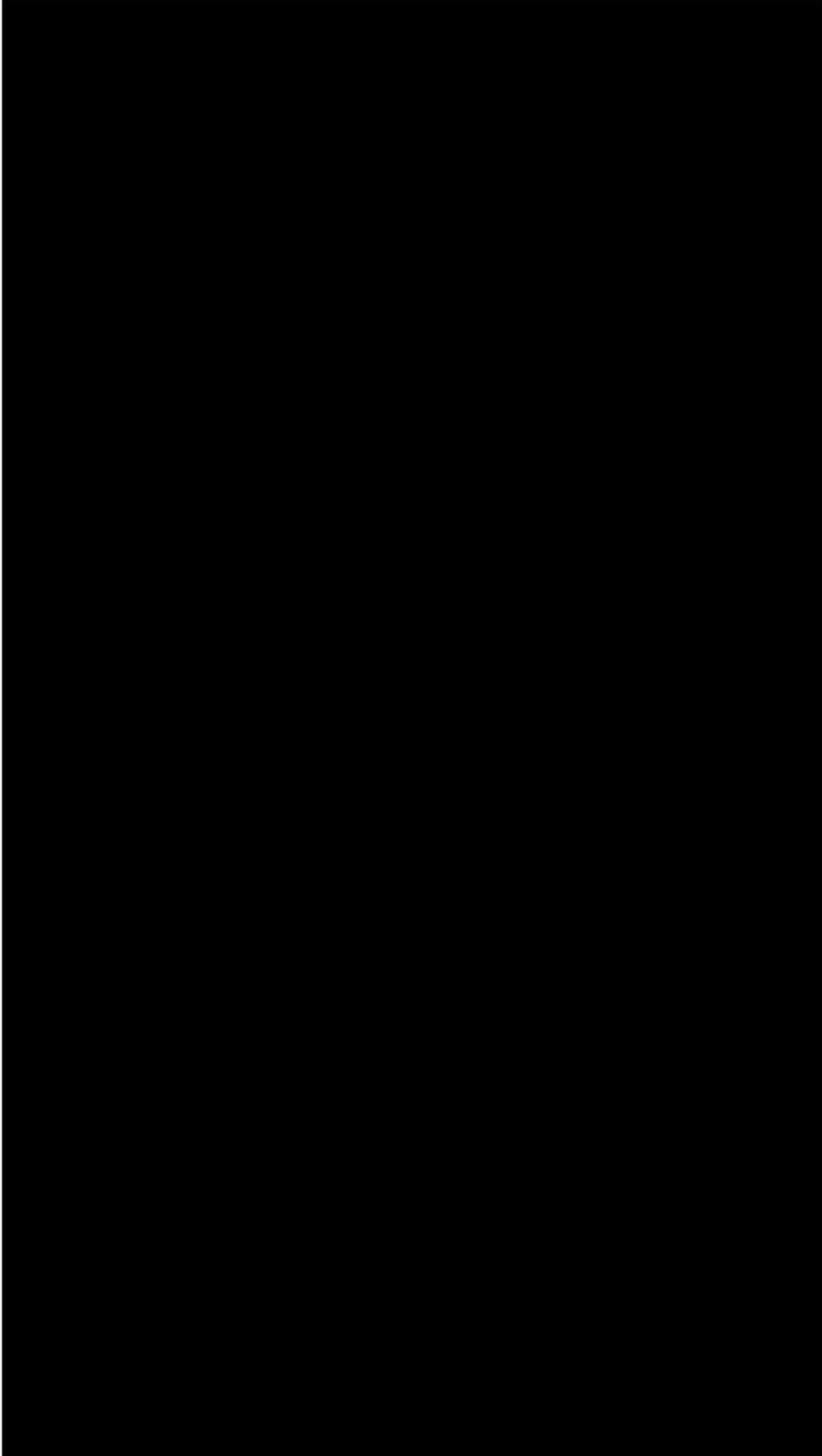


Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

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







From: Stanley Cain
Sent: 6/25/2023 6:47:21 PM
To: Jim Jackson
Subject: RE: The Estate of Jacqueline Lynn Ashcraft, deceased
Attachments: STANLEY CAIN-ACCIDENT RECONSTRUCTIONIST-CURRICULUM VITAE-SERVICES AND FEES.pdf
Importance: Normal

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



Sent from [Mail](#) for Windows

From: [Jim Jackson](#)
Sent: Sunday, June 25, 2023 3:38 PM
To: s [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



Jim Jackson

Jackson Law Firm
JimJacksonAtty.com

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



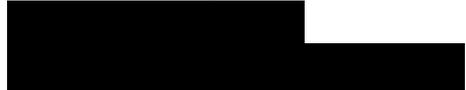
From: Stanley Cain
Sent: 6/22/2023 2:09:49 PM
To: Jim Jackson
Subject: Jacqueline Ashcraft Collision
Importance: Normal

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

From: Stanley Cain
Sent: 5/29/2023 11:02:30 PM
To: Jim Jackson
Subject: Jacqueline Ashcraft Collision
Importance: Normal

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

From: Stanley Cain
Sent: 5/17/2023 1:45:24 PM
To: Jim Jackson
Subject: Jacqueline Ashcraft Collision in Logan County
Importance: Normal

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

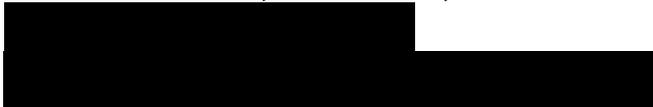
Sent from [Mail](#) for Windows 10

From: Stanley Cain
Sent: 9/6/2023 7:11:29 AM
To: Jim Jackson
Subject: Deposition for Ashcraft collision on 9-14-23

Jim:

Do you need me to arrange for printing the attachments for the deposition, or will you take care of that? Everything I have is still in digital format. Will it be ok if I use my case file on my computer for reference for my testimony?

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



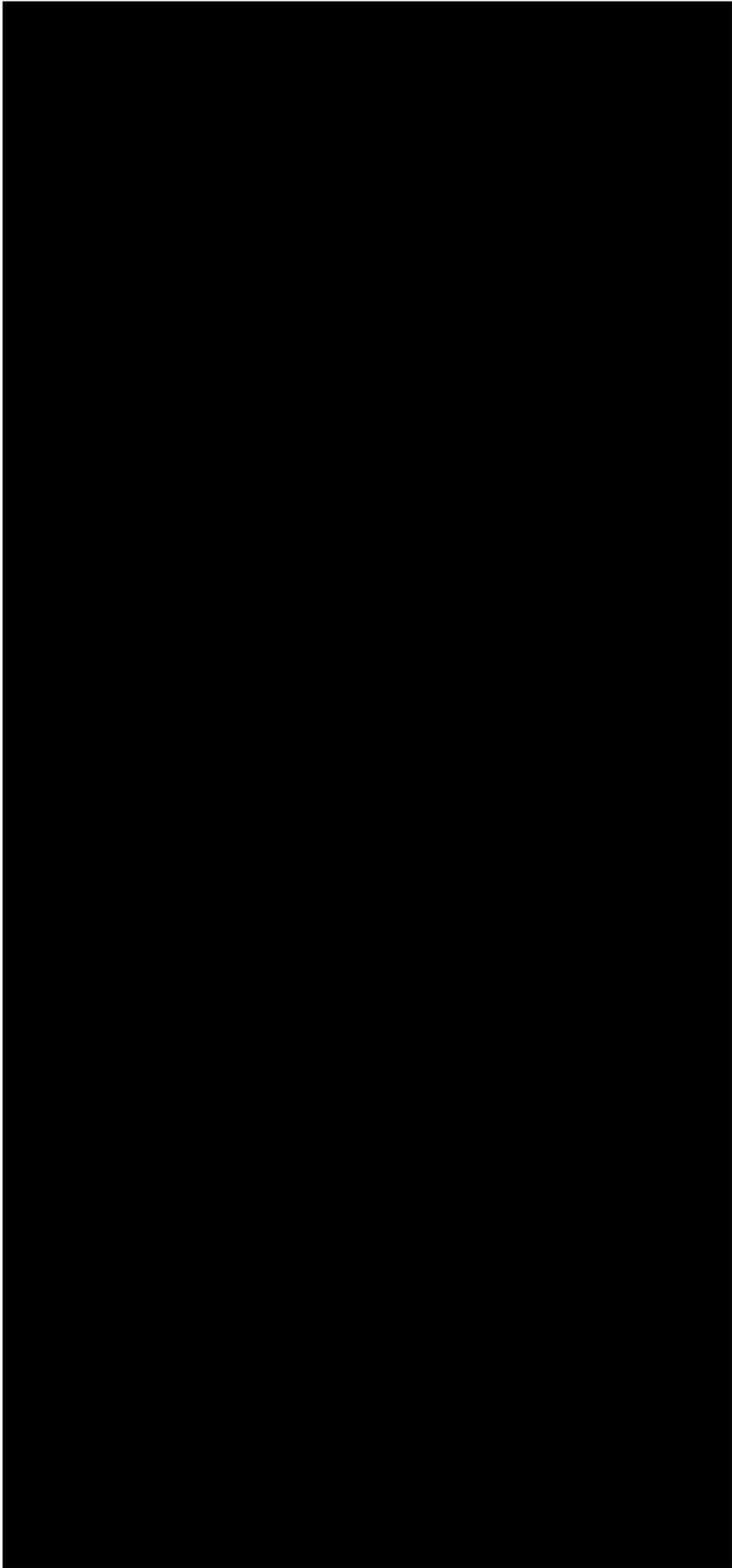
From: Stanley Cain
Sent: 9/10/2023 6:22:18 PM
To: Jim Jackson
Subject: Jacqueline Ashcraft collision
Attachments: Consultations-Investigations-Reconstructions.pdf, STANLEY CAIN-ACCIDENT RECONSTRUCTIONIST-CURRICULUM VITAE-SERVICES AND FEES.pdf

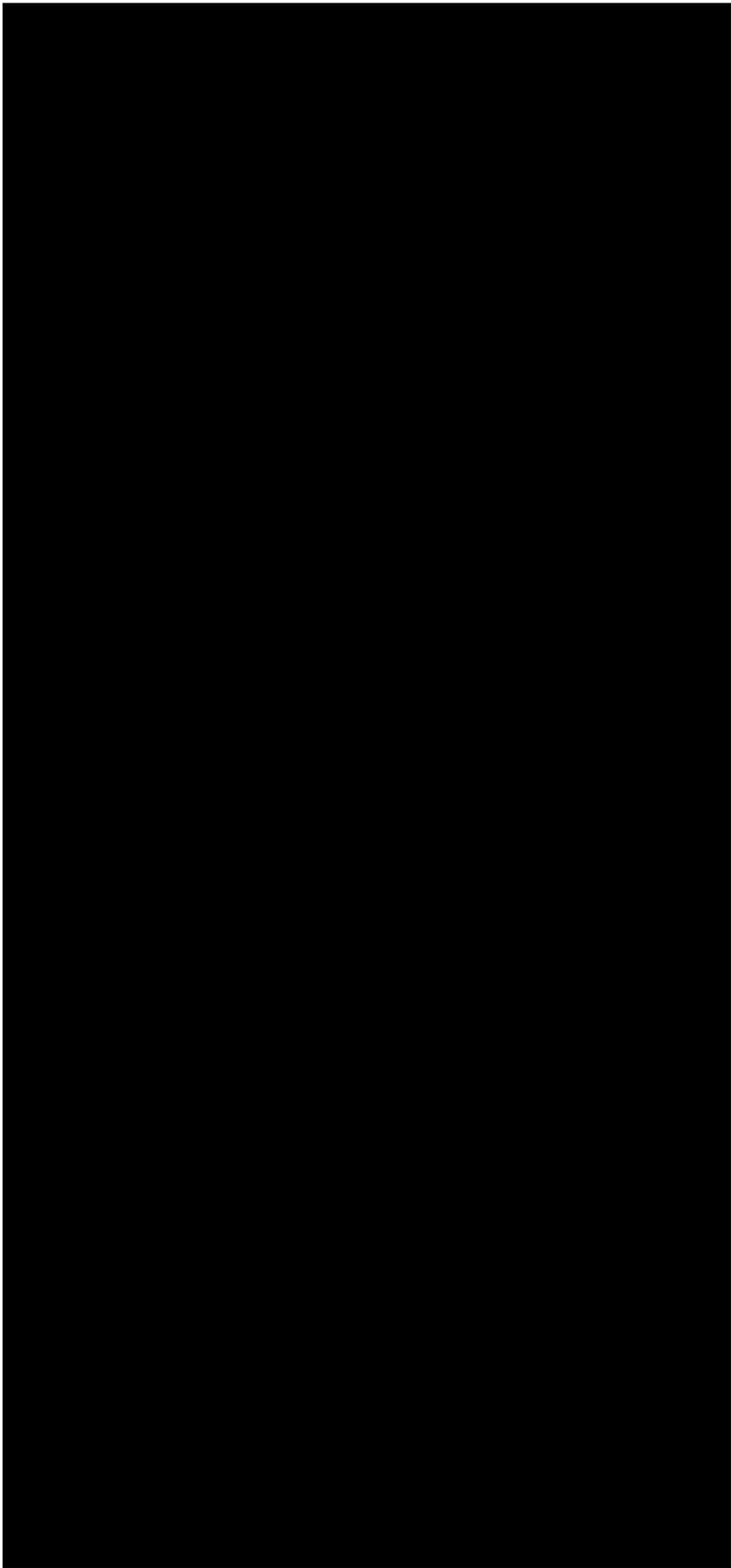
Jim:

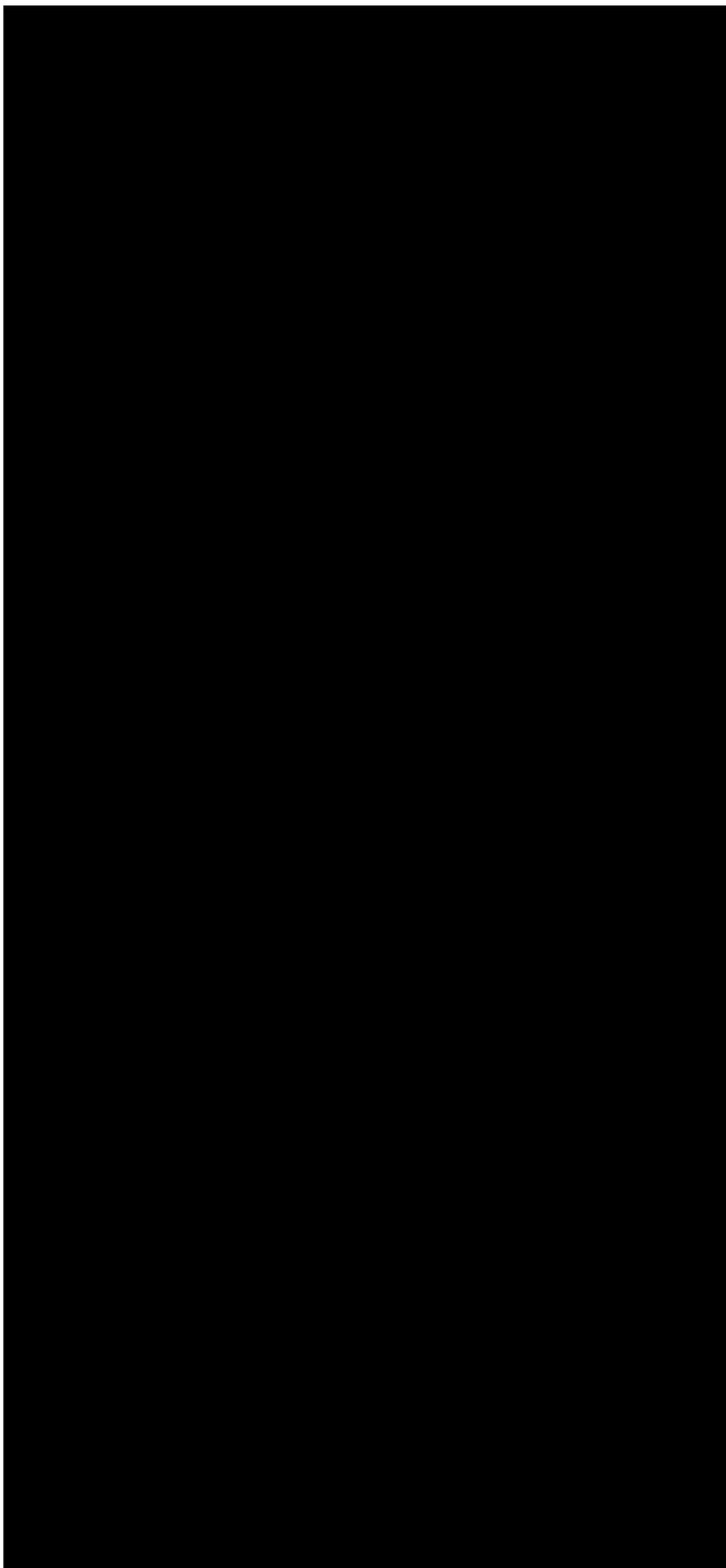
Attached is a current copy of my CV.
Also, I have created a master list of all of the cases I have worked on to current date.

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









From: [Daiquiri Carter](#)
To: [ASCC Pleadings](#); [Kathryn Irby](#); jim@jimjacksonatty.com; [Martha Cox](#); [Brent Gasper](#)
Cc: [Daiquiri Carter](#)
Subject: CC # 230641
Date: Monday, October 2, 2023 3:47:38 PM
Attachments: [Motion for Enlargement of Time - 001.pdf](#)
[image.png](#)
[image.png](#)

Please find attached Respondent’s Motion for Enlargement of Time. 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



□ □ □

NOTE - This email may contain sensitive or confidential information.

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TIME SENSITIVE
REQUEST FOR IMMEDIATE CONSIDERATION

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] [REDACTED] [REDACTED],
 A MINOR CHILD

CLAIMANTS

v.

CC No. 230641

ARKANSAS DEPARTMENT OF
 HUMAN SERVICES

RESPONDENT

MOTION FOR ENLARGEMENT OF TIME IN WHICH TO RESPOND TO
CLAIMANTS' MOTION FOR SUMMARY JUDGMENT

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 Motion for Enlargement of Time in which to Respond to Claimants' Motion for Summary Judgment, states:

1. Respondent is ordered to respond to Claimants' Motion for Summary Judgment by this Friday, October 6. Respondent now requests the Commission grant it additional time to do so. First, however, Respondent respectfully requests this Commission expedite the decision on the motion, as failure to do so threatens Respondent's due process rights as well as hinders Respondent's ability to avail itself to the provisions concerning summary judgment responses as set forth in the Arkansas Rules of Civil Procedure.

2. Specifically, Respondent is still actively engaged in procuring and discovering evidence that is directly relevant as to whether there is a genuine issue of material fact concerning the circumstances leading up to and involving the accident at issue.

3. Respondent asks this Commission for an enlargement of time of sixty (60) days to permit it to finish what it hopes is the discovery period needed to argue liability, which Claimants wrongfully contend is already a foregone conclusion as stated in their motion for summary judgment.¹ However, Respondent acknowledges that the Commission likely would not have the opportunity to consider this motion before it is scheduled to meet again and before the response to the motion is required to be filed. As such, Respondent now begs the Commission to take the extraordinary step of considering this motion for an enlargement of time in an expedited fashion. Equity and due process should allow Respondent to obtain a ruling on its motion before being required to respond to the summary judgment motion. Indeed, the purpose of the summary judgment motion itself is to put to rest any questions concerning who is liable for the damages caused by the accident, when in fact Respondent is still actively engaged in procuring and discovering evidence in support of its position.

4. Rule 56(c) of the Arkansas Rules of Civil Procedure contains the following provision:

For good cause shown, the court may by order reduce or enlarge the foregoing time periods.

5. As is clearly laid out in the Rule, Respondent may request an enlargement of time to respond to the summary judgment motion after showing good cause. However, unless these motions are expedited and put in front of the Commission before Friday, October 6, Respondent

¹ Respondent vehemently disagrees with this assertion as set forth in its Motion to Strike Claimants' Motion for Summary Judgment, which is still pending before the Commission.

will be forced to file a response to the summary judgment motion before it has fully uncovered the facts of this case.

6. Examples of good cause are in abundance here. Respondent deposed Haley Hudson, [REDACTED], in Wynne, Arkansas, on September 7, 2023. Both [REDACTED] and [REDACTED] were passengers in their mother's vehicle at the time of the accident. They were eyewitnesses. The transcripts of those depositions, however, are *still not available for review*, much less available to include in a response to summary judgment. Respondent deposed Claimants' expert Stanley Cain in Little Rock a week later, on September 14, 2023. The transcript of this deposition, which lasted five (5) hours, was just made available late afternoon on Friday, September 29, only one (1) week before Respondent's response is due. Respondent's attorney is still in the process of reviewing the transcript.² On Monday, October 2, Respondent notified Claimants' counsel that it has retained the expertise of Michael Kerley of Jackson Reconstruction in Hot Springs to prepare a report based on his findings and containing his opinions and conclusions concerning the accident at issue. A copy of this report is attached as Respondent's Exhibit A. While it is certainly not Respondent's responsibility to suggest that Claimant's counsel review the report, based upon experience and belief, Respondent believes that Claimant's counsel will want to do so and will likewise want to depose Mr. Kerley.³

7. The truth of the matter is that the reasons listed in paragraph #6 should alone suffice in support of Respondent's request for more time. However, there are even more witnesses that have yet to be deposed that have direct information concerning the accident itself and its aftermath

² As is Michael Kerley, Respondent's expert witness, *supra*.

³ Yet it is worth noting that Claimant has up to this point steadfastly contended that liability is a nonissue at this point and that all facts should be already settled regarding fault, *as evidenced by the pending motion for summary judgment, which explicitly raises this argument*. If this were truly the case, then a deposition of Mr. Kerley would not be necessary.

at the scene, such as the driver of the truck, Bobby Wilson⁴ and his flag-car driver LaTosha Lewis, emergency responders Zach Marry and Chris Ihle, Kim Corley, and even Jennifer Wilkerson, the driver of Respondent's car, although she has been very difficult to locate.

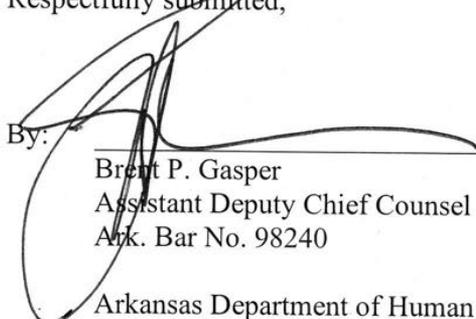
8. It is Respondent's strong belief that, if given the additional sixty (60) days to respond to Claimants' Motion for Summary Judgment, it should be by then finished with its investigation into and determination as to liability. Additionally, it is also Respondent's strong belief that the disputed facts as to liability will be numerous and impossible to ignore, constructively mooting Claimants' summary judgment motion in any event.

9. What *is* clear is that unless the motion herein is expedited and considered by the Commission before Friday, October 6, Respondent will be substantially disadvantaged and its due process rights violated by not being able to avail itself of proper responses, defenses, or pleadings to which it is entitled under Rule 56 of the Arkansas Rules of Civil Procedure as well as other rules of the Commission.

10. **Due to the foregoing, Respondent MOVES that consideration of the motion for enlargement of time herein is EXPEDITED, CONSIDERED, and RULED UPON prior to Friday, October 6, 2023 and that Respondent is awarded an additional sixty (60) days in order to fully investigate the incident at issue and fully and properly respond to Claimants' motion.**

⁴ Who may, according to Mr. Kerley's report, may be significantly more at fault in this accident than initially believed.

Respectfully submitted,

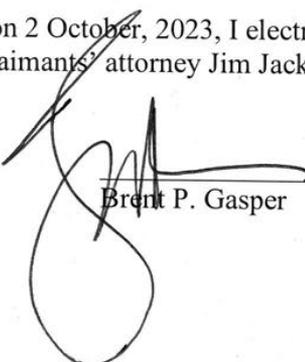
By: 

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 2 October, 2023, I electronically filed the foregoing with the Claims Commission and copied Claimants' attorney Jim Jackson via email.


Brent P. Gasper



JACKSON RECONSTRUCTION

ACCIDENT INVESTIGATION & RECONSTRUCTION

112 Normandy Street | Hot Springs, AR 71913 | 501.623.1019

Est. 1982

Preliminary Report

for

Ashcraft

vs.

Arkansas Department of Human Services

Our Case Number: [REDACTED]

Collision Location: E. Arkansas Highway 22, Paris, AR.

Latitude 35.294605° N

Longitude 93.662085° W

Date of Collision: Friday, June 11, 2021

Prepared for:

Brent Gasper, Esq.

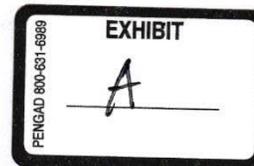
Department of Human Services, Office of Chief Counsel

Date Prepared:

September 29, 2023

Prepared by:

Michael Kerley



www.jacksonreconstruction.com



JACKSON RECONSTRUCTION

ACCIDENT INVESTIGATION & RECONSTRUCTION

112 Normandy Street | Hot Springs, AR 71913 | 501.623.1019

Est. 1982

September 29, 2023

Brent Gasper
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
Little Rock, AR 72203

Re: Ashcraft vs. Arkansas Department of Human Services

Our File: [REDACTED]

Mr. Gasper:

As requested, I have provided my observations and conclusions in response to your request for a preliminary report into the events that occurred on Friday, June 11, 2021, at approximately 12:50 p.m. on Arkansas Highway 22 (AR-22) near Paris Arkansas.

This file was received by Jackson Reconstruction Inc. on August 14, 2023. It was requested that I analyze this collision incident with a preliminary report regarding any opinions and findings that could be made in this collision. This collision was investigated and reconstructed using commonly accepted investigative and scientific principles.

It was also requested that I analyze the motor carrier compliance, driver compliance, and industry standards. The methods utilized during this evaluation are similar methods used by other experts in the transportation industry. Upon review of the materials provided, this report contains opinions relative to standards of practice in the trucking industry, including the standard operational practices, defensive driving standards, driver supervision, driver hiring and crash avoidance within a reasonable degree of professional certainty in the field of commercial truck operations.

All conclusions are to a reasonable degree of scientific certainty and are based on my review, evaluation, analysis, and synthesis of the following information obtained during my investigation:

1. Arkansas State Police (ASP) Report [REDACTED] dated 6/11/2021, by Trooper Ray James.
2. 30 scene photos taken by ASP Trooper Ray James.

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3. Evaluation by photographs of the involved blue 2005 Hyundai Sonata, Arkansas vehicle registration permanent plate [REDACTED]¹.
4. Evaluation by photographs of the involved tan 2009 Hyundai Elantra, Arkansas vehicle registration permanent plate [REDACTED]².
5. Evaluation by photographs of the involved green 2001 Peterbilt Tractor and Trailer, Tennessee vehicle registration permanent plate [REDACTED].
6. Examination and documentation of the scene on AR-22, Paris, AR., completed by Stanley Cain.
7. Handwritten statement by Bobby D. Wilson (1 page).
8. Handwritten statement from Jennifer Wilkerson (*transcribed by Trooper James Ray*).
9. Toxicology report on the urine sample provided by Jaqueline Ashcraft.
10. Toxicology report on the urine sample provided by Jennifer Wilkerson.
11. Videotaped and transcribed deposition of Trooper James Ray dated February 21, 2023.
12. Investigation Report completed by Stanley B. Cain.
13. Affidavit of Bobby D. Wilson.
14. Affidavit of Kristen Mauldin.
15. Photograph of the collision scene as posted to the Logan County Sheriff's Facebook page.
16. Excerpts from the deposition of Kristen Shelton.
17. Handwritten answers to Department of Human Services questions provided by Jennifer Wilkerson.
18. Handwritten answered statement (*via e-mail to DHS*) by Jennifer Wilkerson.
19. Typed (*via e-mail to DHS*) statement by Brandy Ezell.
20. Scanned photographs marked "Ashcraft Rsp to Discovery 0260" and labeled Plaintiff's Exhibits 1-15.
21. 38 Drone photographs labeled "Drone Photos Provided by J. Bollinger".
22. 29 photographs labeled "High Resolution photos from Trooper James Ray".
23. 26 photographs labeled "Low Resolution photos".
24. 25 photographs labeled "Photos by Jim on May 16, 2023".
25. Videotaped deposition of Trooper James Ray.
26. 174 color digital photographs of the scene taken on September 13, 2023.
27. Generally accepted principles of Motor Vehicle Collision Reconstruction.

PERSONS AND VEHICLES INVOLVED:

Vehicle 1: Blue 2005 Hyundai Sonata | VIN – [REDACTED] | AR – [REDACTED]
Driver 1: Jacqueline L. Ashcraft | 50 Years Old

¹ Vehicle was not available for an in-person examination, evaluation, or electronic information download.
² Vehicle was not available for an in-person examination, evaluation, or electronic information download.
³ Vehicle was not available for an in-person examination, evaluation, or electronic information download.

Vehicle 2: Tan Hyundai Elantra | VIN – [REDACTED] | AR – [REDACTED]
Driver 2: Jennifer L. Wilkerson | 33 Years Old

Vehicle 3: Green 2001 Peterbilt Tractor | VIN – [REDACTED] | TN – [REDACTED]
Driver 3: Bobby D. Wilson | 50 Years Old

SITE INSPECTION:

The collision site was inspected on September 13, 2023. I took 174 color digital photographs and conducted a photogrammetric aerial scan of the collision scene. The scene was documented with a Sokkia total station and mapped with a DJI Phantom Pro IV drone. The result of the examination revealed that:

Arkansas State Highway 22 (AR-22) is designated as an East-West rural two-lane highway comprised of asphalt. AR-22 has one lane in each direction that is approximately 10.8 feet wide in each direction, that is separated by a double yellow center dividing line that is approximately 1.8 feet wide. The roadway has a painted fog line and a paved shoulder on each side that is approximately 7.7 feet wide. The roadway is straight at the collision area. The posted speed limit is 55 MPH and does not increase.

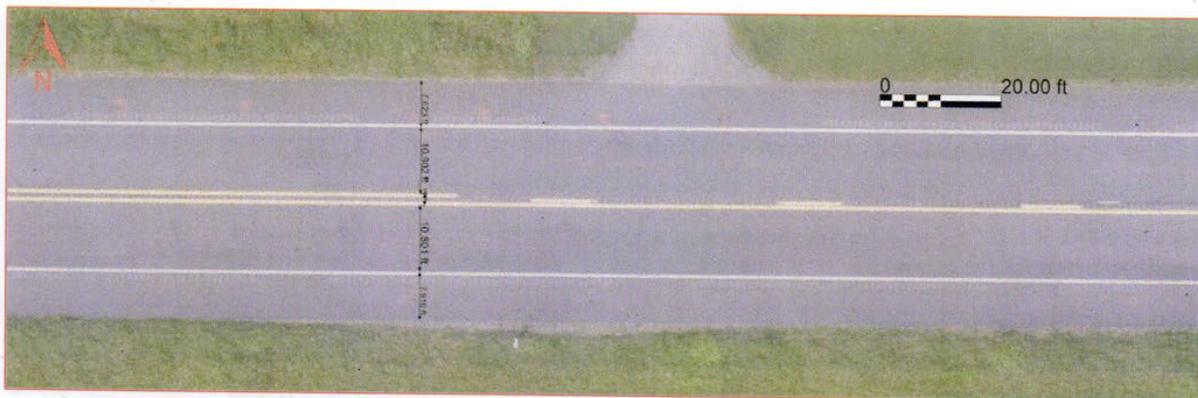
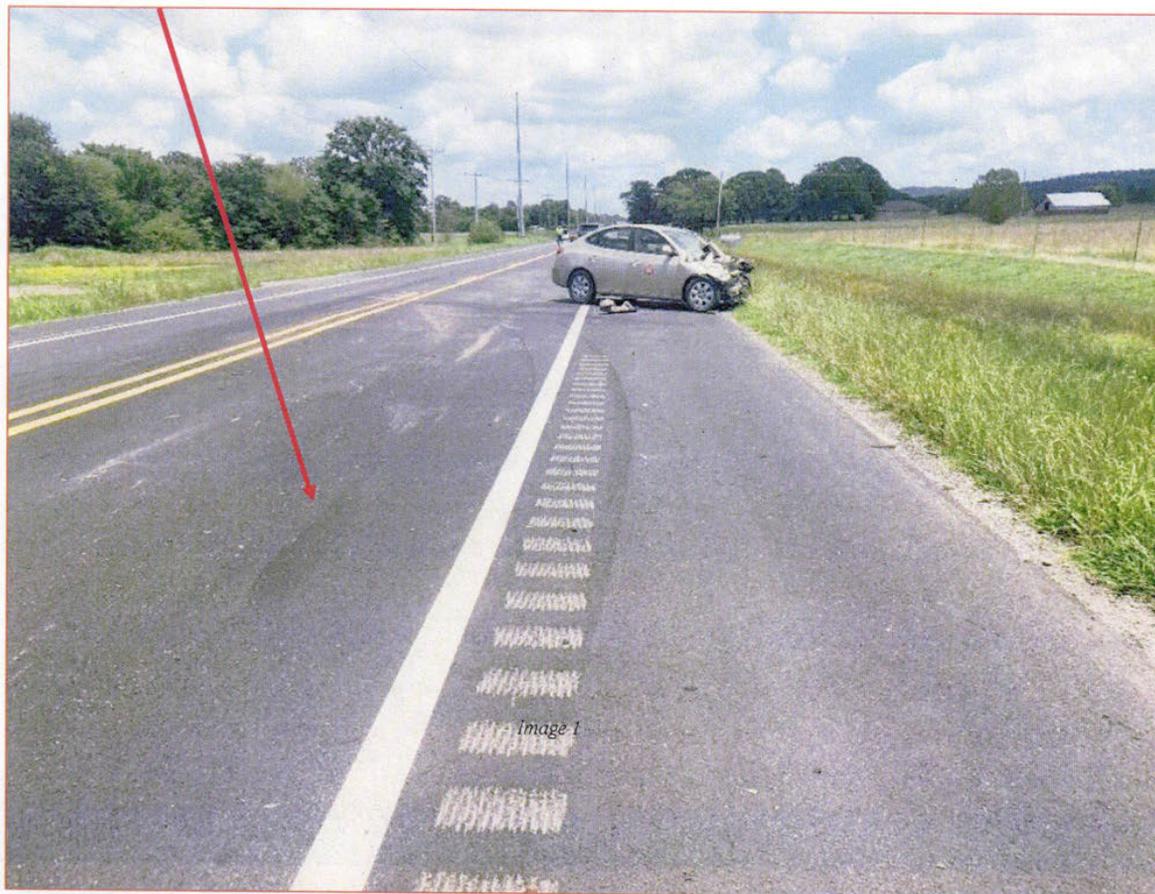


Diagram 1

COLLISION INVESTIGATION AND ANALYSIS:

The investigation revealed that there were gouge marks located in the Eastbound lane of traffic, as well as gouge and scratch marks on the right (South-side) shoulder, indicating the Area of Impact (AOI) and post impact path of travel of Vehicle 2, which is illustrated in *Image 1*⁴. *Image 1* also illustrates the impact scuff from the right front tire of Vehicle 2 as it under-rod Vehicle 1 upon impact.



⁴ *Image 1* – IMG-7142 – Photos by Trooper James Ray

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There were also gouge marks and scratch marks in the Eastbound lane rotating into the Westbound lane of traffic, indicating the post impact travel of Vehicle 2, as Vehicle 2 rotated counterclockwise and collided with Vehicle 3 as illustrated in *Image 2* below. *Image 2* also illustrates the post impact paths of travel for Vehicles 2 and 3 to their Final Rest (FR) positions, which will be described further in the scene diagram.

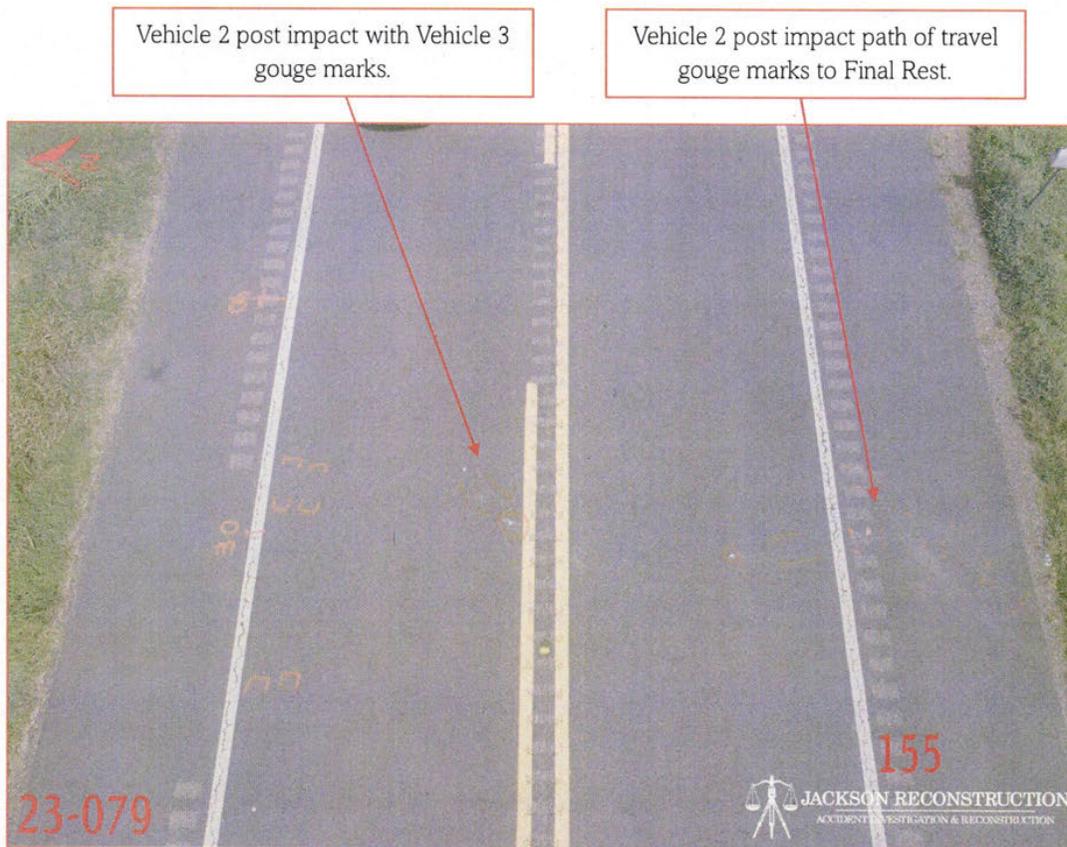


Image 2

The scene also showed a single right rear wheel lock up skid mark from Vehicle 1. This skid mark is estimated to be approximately ~72 feet in length, based upon the photographs provided for review. The on-site inspection revealed the skid mark began on the right (South) shoulder fog line and ended approximately ~49 feet East on the right shoulder. *Image 3* illustrates the skid mark evidence during the on-site inspection.

In a review of the photographs provided (*Image 4*), the evidence shows that the right rear wheel of Vehicle 1 was locked as a result of the collision and was the only tire leaving a skid mark to the FR position.

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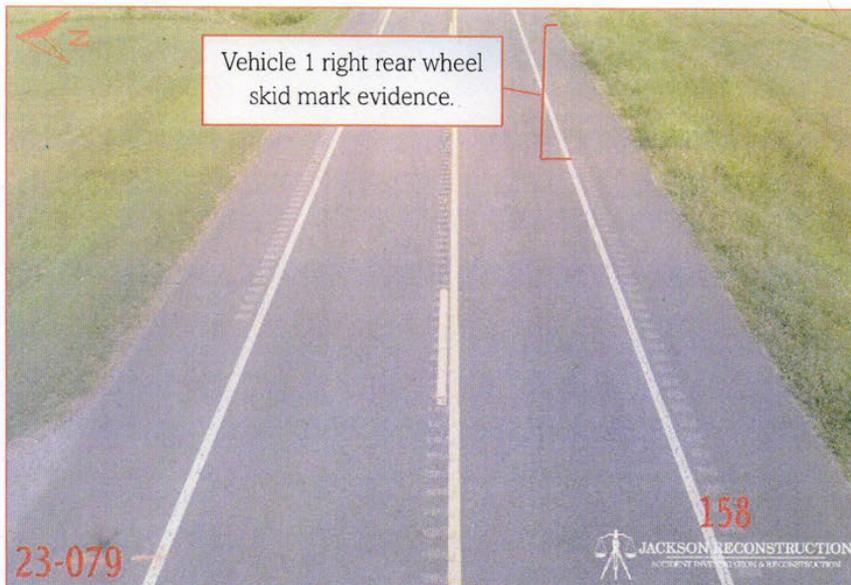


Image 3



Image 4

Image 4⁵ was focused in to show the right rear tire mark from Vehicle 1, which was not fully visible during the site inspection. It continues to illustrate that the right rear tire is the only tire leaving a skid mark as it continues to its FR position. This mark is the result of the wheel being locked due to damage.



⁵ Image 4 - IMG-7144 – Photos by Trooper James Ray

23-079 – Ashcraft vs. Arkansas Department of Human Services

The impact and gouge marks indicate that Vehicle 2 was traveling behind Vehicle 1 at an undetermined distance, Eastbound on AR-22. Vehicle 1 was slowing down in anticipation of turning left into the residence of 5033 AR-22.

Wilson stated in his affidavit that he observed Vehicle 1 “halfway” onto the shoulder. There was no documentation of the Point of Impact (POI) and no photographs to depict the exact impact points. An analysis of the physical evidence from the scene and the provided photographs shows that, post impact, Vehicle 2 yawed counterclockwise into the path of Vehicle 3.

The damage profile and photographic evidence is consistent with this impact occurring as an offset to the right as illustrated in *Images 5 and 6*.



Image 5



Image 6

This damage indicates that Vehicle 2 under-rode Vehicle 1, lifting the rear of Vehicle 1 as it was accelerated forward. This initial impact damage resulted in the right rear wheel being locked. Based on the evidence reviewed and the available photographs, the right rear tire is the only tire leaving a skid mark as it continues to its FR position.

Based upon the physical evidence and the provided photographs, Vehicle 2 left the initial impact in a counterclockwise rotation and collided the front with the left side tandems of Vehicle 3 and the trailer carrying the mobile home. The mobile home overrode the hood of Vehicle 2 and pushed Vehicle 2 to continue to rotate counterclockwise and came to FR as depicted in *Diagram 2*. Vehicle 1 was accelerated forward and continued Eastbound from the initial impact to FR as depicted. Vehicle 3 continued Westbound and came to a controlled FR West of the collision location.

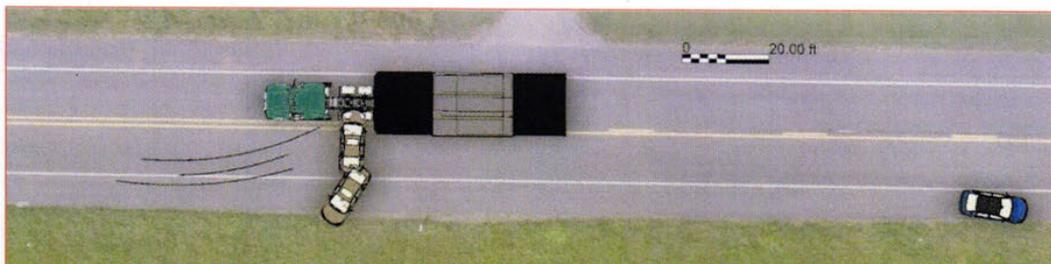


Diagram 2

Image 8⁶ was focused in to evaluate the roadway evidence. This indicates the location of Vehicle 3 at impact with Vehicle 2. Vehicle 3's left side tandem tires were on the double yellow dividing line, placing the overhanging wide load approximately 3.4 feet into the Eastbound lane of traffic.



An arrow was added to illustrate the tire marks left by the left side tandem tires of Vehicle 3 from the impact of Vehicle 2.



Image 7

⁶ Image 5 - IMG-7156, Image 6 - IMG-7157, Image 7 - IMG-7138 – Photos by Trooper James Ray

CMV TRANSPORTATION SAFETY ANALYSIS

Statement of qualifications: As a Colorado State Trooper and a Garden City Police Officer, part of my day-to-day traffic enforcement duties included routinely inspecting commercial motor vehicles and issuing citations for violations of the Federal Motor Carrier Safety Regulations (FMCSR), which was adopted by the State of Arkansas through Rule 17.1⁷.

The following areas of investigation were subject to the Federal Motor Carrier Safety Regulations and reviewed:

- * Purpose
- * General Applicability
- * Definitions

- * 49 CFR Part 40 – Procedures for Transportation Workplace Drug & Alcohol Testing Programs
- * 49 CFR Part 325 – Compliance with Interstate Motor Carrier Noise Emission Standards
- * 49 CFR Part 375 – Transportation of Household Goods in Interstate Commerce
- * 49 CFR Part 380 – Special Training Requirements
- * 49 CFR Part 382 – Controlled Substance and Alcohol Use and Testing
- * 49 CFR Part 383 – Commercial Driver's License Standards
- * 49 CFR Part 384 – State Compliance with Commercial Driver's License Program
- * 49 CFR Part 385 – Safety Fitness Procedures
- * 49 CFR Part 387 – Minimum Levels of Financial Responsibility for Motor Carriers
- * 49 CFR Part 390 – General Federal Motor Carrier Safety Regulations
- * 49 CFR Part 391 – Qualifications of Drivers
- * 49 CFR Part 392 – Driving of Commercial Motor Vehicles
- * 49 CFR Part 393 – Parts and Accessories Necessary for Safe Operation
- * 49 CFR Part 395 – House of Service of Drivers
- * 49 CFR Part 396 – Inspection, Repair and Maintenance
- * 49 CFR Part 397 – Transportation of Hazardous Materials; Driving and Parking Rules
- * 49 CFR Parts 100 thru 185 – Hazardous Material Regulations.
- * Arkansas Permit Rules – Movement of Oversize and Overweight Vehicles

The FMCSA⁸ defines a preventable accident as:

Preventable accident on the part of a motor carrier means an accident

- (1) that involved a commercial motor vehicle, and
- (2) that could have been averted but for an act, or failure to act, by the motor carrier or the driver.

⁷ Appendix A

⁸ FMCSR 385.3

23-079 – *Ashcraft vs. Arkansas Department of Human Services*

Arkansas Permit Rules⁹ states that the permittee shall be responsible for any and all damages to roads, bridges, persons, and private property resulting from the movement.

7. The Department shall not be held liable for any damage to public roads or bridges or to persons or private property caused by a permitted load or vehicle or its escort vehicle. The permittee shall be responsible for any and all damages to roads, bridges, persons, and private property resulting from the movement, and shall recompense the Department or a political subdivision for any expenditures made by the Department or political subdivision to repair damage caused by the permitted vehicle or load to a public road or facility of the State Highway System.

The Arkansas Permit Rules¹⁰ also states “Vehicles exceeding the maximum width, height, or length, as provided, shall have a plainly legible sign reading “OVERSIZE LOAD” displayed across the front and back of the loaded vehicle.”

3. Vehicles exceeding the maximum width, height, or length, as provided under Arkansas Code Annotated §§ 27-35-206, 27-35-207, and 27-35-208, shall have a plainly legible sign reading “OVERSIZE LOAD” displayed across the front and back of the loaded vehicle and eighteen inch (18”) red or fluorescent orange flags on all four corners of the load.

The Arkansas Permit Rules¹¹, as it relates to manufactured homes states that the above applies as well as it should have 18” red or fluorescent orange flags displayed on all four (4) corners of the unit.

2. Signs/Flags:

- a. The vehicle pulling the manufactured home unit shall display clearly an “OVERSIZE LOAD” sign on the front of the towing unit and rear of the manufactured home unit and shall be constructed of a durable material with a yellow background and black letters of a two inch (2”) stroke and a minimum height of ten inches (10”).
- b. Eighteen inch (18”) red or fluorescent orange flags shall be displayed on all four corners of the unit.

⁹ Arkansas Permit Rules on Movement of Oversize and Overweight Vehicles, pg. 12.

¹⁰ Arkansas Permit Rules on Movement of Oversize and Overweight Vehicles, pg. 17.

¹¹ Arkansas Permit Rules on Movement of Oversize and Overweight Vehicles, pg. 34.

23-079 – Ashcraft vs. Arkansas Department of Human Services

The Arkansas Permit Rules¹², shows that the pilot/escort vehicles *are also* required to be signed and flagged as required.

- b. An escort vehicle accompanying a manufactured home unit shall display signs on the front and back with the message, "OVERSIZE (width in feet rounded up to the nearest whole foot) LOAD". An example of the sign is "OVERSIZE 14 LOAD".

In a review of the photographs provided, Vehicle 3 was not in compliance with the oversized load permit rules and requirements. The photographs provided show that Vehicle 3 was not properly signed as required. The front of the power unit does not have an oversized load warning sign. The sign requirements and the size of the sign, by regulations, would cover the majority of the front bumper and would make a portion of that sign visible in the photographs provided¹³.

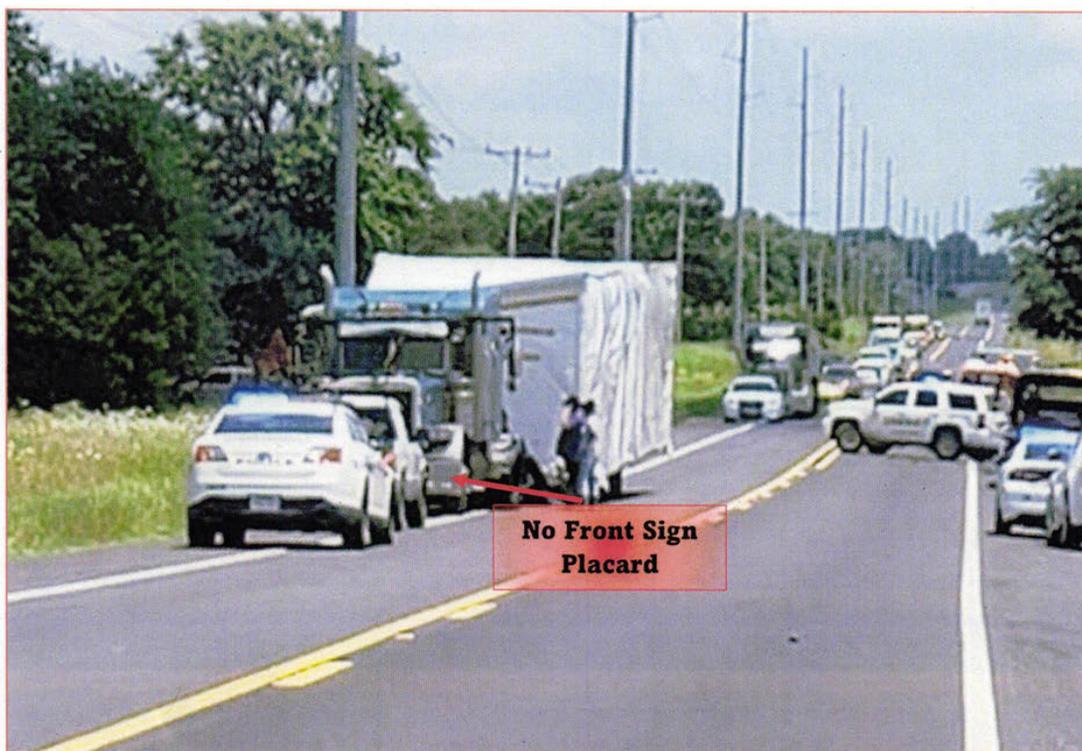


Image 8

Arkansas State Statute § 27-35-206 states: "Furthermore, such vehicles, when operated individually, or in combination with other vehicles, on the roads, highways, or streets of this state must be equipped with a sign or placard on the front and on the rear of the vehicle when operated individually, or on the front of the vehicle furnishing the motive power and on the rear

¹² Arkansas Permit Rules on Movement of Oversize and Overweight Vehicles, pg. 29

¹³ Image 8 - Hwy_22_Facing_East_in_Same_direction_Jennifer_Wilkerson_was_traveling Daiquiri Carter

23-079 – Ashcraft vs. Arkansas Department of Human Services

of any vehicle operated in combination with the vehicle furnishing the motive power, when operated in combination, indicating that vehicle or combination of vehicles is slow-moving. Such signs or placards shall be of such a size, dimension, and color that it is readily apparent to the traveling public that the vehicle or combination is slow-moving and shall be in accordance with rules and regulations to be made and promulgated by the commission.”

Arkansas State Statute § 27-51-301 (*Vehicles to be Driven on the Right Side of the Roadway*) states that “upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway.”

Vehicle 3 was approximately 14’ 9” (14.75’) wide. The paved portion of the roadway in this area is approximately 18.5 feet wide from the edge of the asphalt portion of the roadway to the inside of the center dividing yellow line. With the vehicle dimensions and the roadway dimensions, this would allow for Vehicle 3 to have 3.75 feet of additional clearance to remain within the Westbound lane and right shoulder without having to cross the center dividing line at any time.

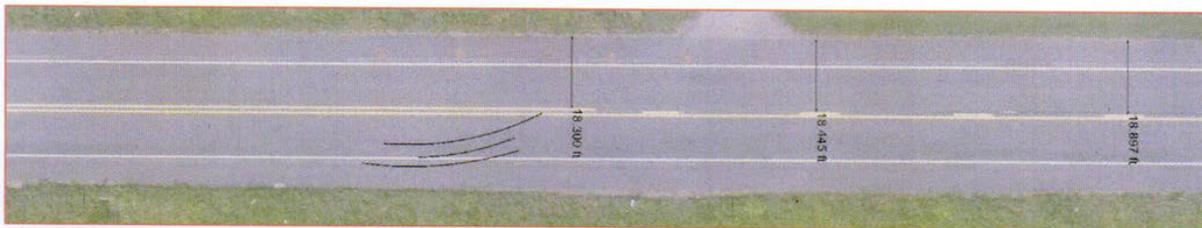


Diagram 3

There is only one sign in the area that is approximately 116.5 feet West of the collision scene as illustrated in *Image 9*. There was no evidence to indicate a need for Vehicle 3 to cross the center dividing line.



Image 9

CONCLUSIONS AND FINDINGS:

Based on my investigation and evaluation of the evidence and information I have available at this time; the following are my conclusions and opinions:

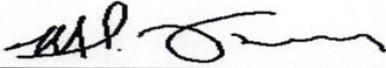
1. On Friday, June 11, 2021, Ashcraft and Wilkerson were traveling East on AR-22. Wilson was traveling West on AR-22. Ashcraft had slowed down to yield to an on-coming oversized load (Vehicle 3) and to turn left into the residence at 5033 AR-22.
2. At the initial impact, Vehicle 1's right rear tire was caged due to damage and the rear of the vehicle was lifted up, allowing the vehicle to be accelerated forward without a tire mark being left. As Vehicle 1's rear wheels came back into contact with the ground, Vehicle 1 had no other braking until it slid to its uncontrolled Final Rest (FR) position. Vehicle 2 rotated counterclockwise and collided the left front with the left side tandems of Vehicle 3 and then with the right front of the trailer and side of the mobile home being transported. Vehicle 2 continued rotating counterclockwise back across the Eastbound lane and came to an uncontrolled FR position on the South side of the roadway.
3. Vehicle 3 (Wilson) was not properly signed as required, violating Arkansas State Statute § 27-35-206 and the Arkansas Oversize Permit Rules and Regulations.
4. Based on the physical evidence from the scene, a portion of Vehicle 3 was over the center dividing line in the area of the collision. According to Arkansas State Statute §27-51-301 all vehicles shall be driven on the right half of the roadway. Based on an examination of the scene, the width of the asphalt portion available to Vehicle 3 was sufficient that no portion of Vehicle 3, or its load, would need to be across the center dividing line.
5. Wilkerson stated, "I remember seeing a car up ahead but no break lights or signal lights." The unavailability of Vehicle 1 prevents the determination of Vehicle 1's brake lights and signal lights functionality at the time of the collision.

DISCLAIMER:

My conclusions and observations contained herein are within a reasonable degree of scientific certainty and are based on information available to me as of the date of this report and subject to the limitations noted above in this report. I reserve the right to evaluate any additional

23-079 – Ashcraft vs. Arkansas Department of Human Services

information, evidence, or other data as it becomes available and to reevaluate my opinions and conclusions to reflect that new information.



Michael A. Kerley, ACTAR, Ph.D. (c)
Accident Reconstructionist | ACTAR [REDACTED]
Drug Recognition Expert (DRE) | No. [REDACTED]



Jackson Reconstruction Inc.

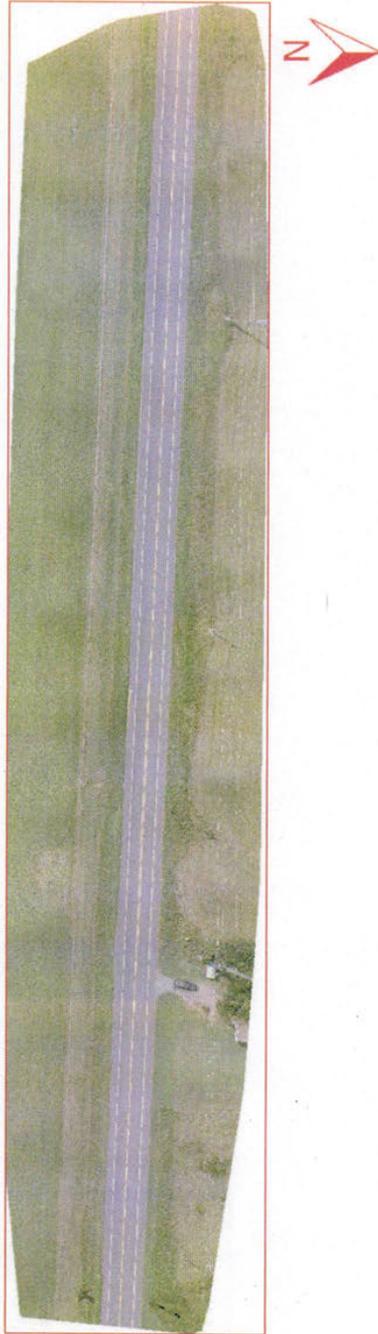
APPENDIX – A
ARKANSAS STATE HIGHWAY COMMISSION RULE 17.1

Rule 17.1 General Safety Requirements

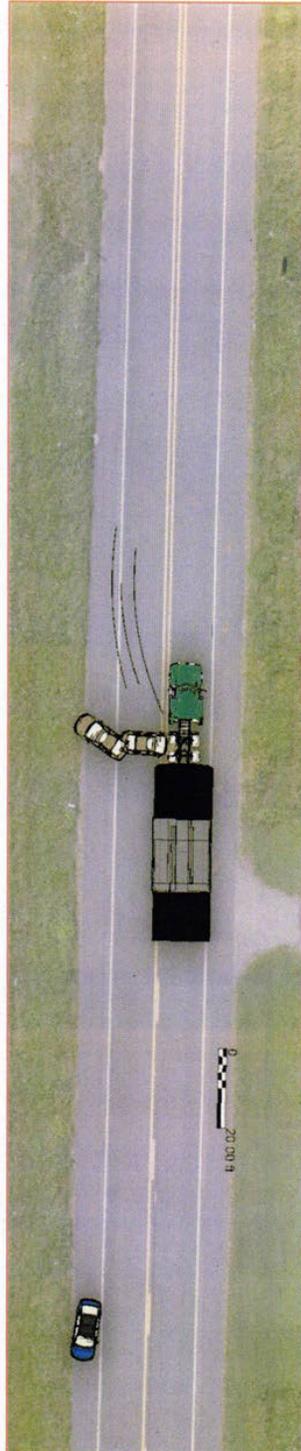
All rules and safety regulations now or hereafter prescribed and adopted by the U.S Department of Transportation, Federal Motor Carrier Safety Administration, applicable to motor vehicles under the Federal Motor Carrier Safety Regulations as found in 49 C.F.R. Parts 383 through 399, not in conflict with the laws of the State of Arkansas, are hereby adopted and prescribed as the safety rules and regulations applicable to the interstate and intrastate operations of motor vehicles under the jurisdiction of this Commission. In all instances within the provisions of 49 C.F.R. Parts 383 through 399 wherein the terms “special agent,” “special agent of the Federal Motor Carrier Safety Administration,” or “authorized personnel” are utilized, including, but not limited to, 49 C.F.R. Parts 390.5, 390.15, 395.13 (a), 396.9 (a), 396.9 (c)(1), and 398.8, such terms shall include officers of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department. For the purposes of Part 395.1(k), that period of time between January 1st and December 31st of each year is declared to be the planting and harvesting seasons in this State.

23-079 – Ashcraft vs. Arkansas Department of Human Services

APPENDIX – B
ORTHOMOSAIC SCENE DIAGRAM



APPENDIX – C
COLLISION SCENE DIAGRAM



From: [Kathryn Irby](#)
To: [Daiquiri Carter](#); [ASCC Pleadings](#); [Martha Cox](#); [Brent Gasper](#); [Jim Jackson](#)
Subject: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Tuesday, October 3, 2023 4:46:55 PM
Attachments: [Hudson v. DHS - 230641 - hearing letter \(special hearing\) & motion for enlargement of time/Resp's MTStrike and case.pdf](#)
[image.png](#)
[image.png](#)

Jim and Brent, please see attached hearing letter and Zoom invitation.

Thanks,
Kathryn

From: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Sent: Monday, October 2, 2023 3:47 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; jim@jimjacksonatty.com; Martha Cox <mcox@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: CC # 230641

Please find attached Respondent’s Motion for Enlargement of Time. 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

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



KATHRYN IRBY
DIRECTOR

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

October 3, 2023

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

(via email)

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

(via email)

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

Dear Mr. Jackson and Mr. Gasper,

Enclosed please find the Zoom invitation for a special hearing scheduled for **Thursday, October 5, 2023**, beginning at 8:00 a.m. The scope of the special hearing will be the motion for enlargement of time filed by DHS yesterday. The motion does not reference the parties conferring, so I am assuming that the motion is contested. If that assumption is incorrect, please advise as soon as possible.

Sincerely,

Kathryn Irby

ES: kmirby

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

Topic: Claims Commission -- special hearing

Time: Oct 5, 2023 08:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/86099620851?pwd=JTU5bRU5CdwaFUofQWxmgT0OcU7nAL.1>

Meeting ID: 860 9962 0851

Passcode: F3yRqY

One tap mobile

+13126266799,,86099620851#,,,,*040743# US (Chicago)

+16469313860,,86099620851#,,,,*040743# US

Dial by your location

- +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
- +1 309 205 3325 US
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +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)

Meeting ID: 860 9962 0851

Passcode: 040743

Find your local number: <https://us06web.zoom.us/j/86099620851>

From: [Jim Jackson](#)
To: [Kathryn Irby](#); [Daiquiri Carter](#); [ASCC Pleadings](#); [Martha Cox](#); [Brent Gasper](#)
Subject: RE: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Tuesday, October 3, 2023 4:59:33 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Received, and acknowledged.

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: Tuesday, October 3, 2023 4:47 PM

To: [Daiquiri Carter](mailto:Daiquiri.Carter@dhs.arkansas.gov) <Daiquiri.Carter@dhs.arkansas.gov>; [ASCC Pleadings](mailto:ASCCPleadings@arkansas.gov) <ASCCPleadings@arkansas.gov>; [Martha Cox](mailto:mcox@jimjacksonatty.com) <mcox@jimjacksonatty.com>; [Brent Gasper](mailto:Brent.Gasper@dhs.arkansas.gov) <Brent.Gasper@dhs.arkansas.gov>; [Jim Jackson](mailto:jim@jimjacksonatty.com) <jim@jimjacksonatty.com>

Subject: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Jim and Brent, please see attached hearing letter and Zoom invitation.

Thanks,
Kathryn

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Sent: Monday, October 2, 2023 3:47 PM

To: [ASCC Pleadings](mailto:ASCCPleadings@arkansas.gov) <ASCCPleadings@arkansas.gov>; [Kathryn Irby](mailto:Kathryn.Irby@arkansas.gov) <Kathryn.Irby@arkansas.gov>; jim@jimjacksonatty.com; [Martha Cox](mailto:mcox@jimjacksonatty.com) <mcox@jimjacksonatty.com>; [Brent Gasper](mailto:Brent.Gasper@dhs.arkansas.gov) <Brent.Gasper@dhs.arkansas.gov>

Cc: [Daiquiri Carter](mailto:Daiquiri.Carter@dhs.arkansas.gov) <Daiquiri.Carter@dhs.arkansas.gov>

Subject: CC # 230641

Please find attached Respondent's Motion for Enlargement of Time. 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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From: [Brent Gasper](#)
To: [Kathryn Irby](#); [Daiquiri Carter](#); [ASCC Pleadings](#); [Martha Cox](#); [Jim Jackson](#)
Subject: RE: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Wednesday, October 4, 2023 8:15:19 AM
Attachments: [image.png](#)
[image.png](#)

Thank you Kathryn.

Brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, October 3, 2023 4:47 PM
To: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
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Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: CC # 230641

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Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
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Daiquiri.carter@dhs.arkansas.gov





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To: [Jim Jackson](#); [Kathryn Irby](#); [Daiquiri Carter](#); [ASCC Pleadings](#); [Martha Cox](#)
Subject: RE: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Thursday, October 5, 2023 9:54:56 AM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

The 20th would probably be the best day for me to travel to Logan County if that is doable.

Thx

brent

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Thursday, October 5, 2023 9:06 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>;
Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; ASCC Pleadings
<ASCCPleadings@arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

[EXTERNAL SENDER]

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Following up on the hearing this morning, I would like to depose Jennifer Wilkerson on October 18, 19 or 20 beginning at 1:00 p.m.

As you noted in your Motion, she is difficult to reach so I will ask Director Irby to issue a Subpoena compelling her deposition at:

Logan County Courthouse
25 West Walnut Street
Paris, AR 72855

If you want to depose paramedic/EMT Zach Marry or any other Logan County witnesses at that time, please let me know and I will be glad to accommodate you.

Also, Mr. Kerley's report indicates that he took 174 color photos of the accident scene.

Can you transmit a hyperlink to these photos?

Also, do you have the Orthomosaic Scene Diagram in a format other than the PDF which is attached to the Preliminary Report as Appendix B?

If so, can you transmit that file to my attention?

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



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Jackson <jim@jimjacksonatty.com>

Subject: RE: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

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Sent: Tuesday, October 3, 2023 4:47 PM

To: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; ASCC Pleadings
<ASCCPleadings@arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; Brent Gasper
<Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>

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Sent: Monday, October 2, 2023 3:47 PM

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jim@jimjacksonatty.com; Martha Cox <mcox@jimjacksonatty.com>; Brent Gasper
<Brent.Gasper@dhs.arkansas.gov>

Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>

Subject: CC # 230641

Please find attached Respondent's Motion for Enlargement of Time. 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
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From: [Kathryn Irby](#)
To: [Jim Jackson](#); [Brent Gasper](#); [Daiquiri Carter](#); [ASCC Pleadings](#); [Martha Cox](#)
Subject: RE: Subpoena - J. Wilkerson -: Hudson v. DHS, Claim No. 230641
Date: Thursday, October 5, 2023 10:08:00 AM
Attachments: [Hudson - 230641 - Wilkerson subpoena.pdf](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

Subpoena attached with the date and time blank. Please doublecheck the details and let me know if you see any issues.

Thanks,
 Kathryn

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Thursday, October 5, 2023 10:03 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>;
 Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; ASCC Pleadings
 <ASCCPleadings@arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: Subpoena - J. Wilkerson -: Hudson v. DHS, Claim No. 230641

Friday October 20 would be ideal for me.
 The witness' address is:

Ms. Jennifer Leann Wilkerson

[Redacted]
 [Redacted]

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: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
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To: Jim Jackson <jim@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
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Jackson <jim@jimjacksonatty.com>

Subject: RE: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

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Brent

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Sent: Tuesday, October 3, 2023 4:47 PM

To: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; ASCC Pleadings
<ASCCPleadings@arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; Brent Gasper
<Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>

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Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>

Subject: CC # 230641

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Thank you,

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501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov



□ □ □

NOTE - This email may contain sensitive or confidential information.

CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment(s) is 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 which this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying or distribution 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 and delete the message and attachment(s) from your system.

**Issued by the
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], a
Minor Child, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF
HUMAN SERVICES, Respondent

TO: Ms. Jennifer Leann Wilkerson
[REDACTED]
[REDACTED]

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

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

Date:

Time:

Location: Logan County Courthouse
25 West Walnut Street
Paris, AR 72855

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

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



October 5, 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).

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”) for enlargement of time in which to respond to the motion for partial summary judgment 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”).

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.

2. Respondent’s motion was filed on October 2, 2023. In the motion, Respondent sought an additional 60 days to complete the discovery related to the issue of liability and to respond to Claimant’s motion for partial summary judgment.

3. At the beginning of the hearing, the chair commissioner gave Claimant’s attorney an opportunity to orally respond to the motion, since the hearing was set prior to Claimant’s deadline to file a written response.

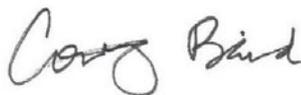
4. Claimant's attorney noted that the accident occurred in 2021 and that Respondent had been investigating the accident since the day it occurred. Claimant's attorney recounted the procedural history and stated Claimant's opposition to Respondent's motion.

5. Given that the instant claim was filed in November 2022, such that it has been pending less than a year, the Commission unanimously voted to grant Respondent's motion. As such, Respondent's deadline to respond to Claimant's motion for partial summary judgment is extended from October 6, 2023, to Monday, December 4, 2023. Claimant's deadline to file a reply brief is also extended from October 13, 2023, to Monday, January 8, 2024.

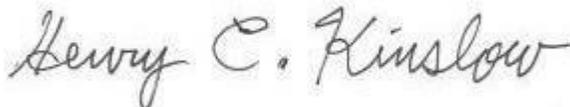
6. At Claimant's attorney's request, the Commission also instructed the parties to complete discovery as to lay witnesses related to the issue of liability and as to Respondent's accident reconstruction expert witness by Respondent's deadline to respond to Claimant's motion for partial summary judgment (December 4, 2023). Upon a question from the chair commissioner, Respondent agreed to this deadline.

7. The Commission stated that the motions hearing previously scheduled for November 2023 has been removed from the hearing docket and will be rescheduled for the earliest available hearing date following the conclusion of the new briefing schedule for Claimant's motion for partial summary judgment. The Commission instructed its director to send a rescheduling letter on the motions hearing and a scheduling letter for the claim hearing, with a deadline for the completion of all other discovery included in the claim hearing scheduling letter.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: October 6, 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: Friday, October 6, 2023 9:23:00 PM
Attachments: [Hudson - 230641 - Order re Rescheduling for Engagement of time.pdf](#)

Jim and Brent, please see attached order. The hearing letters for the rescheduled motions hearing and the claim hearing will be sent early next week.

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](#); [Jim Jackson](#); [Martha Cox](#); [Daiquiri Carter](#)
Subject: RE: ORDER: Hudson v. DHS, Claim No. 230641
Date: Monday, October 9, 2023 8:38:36 AM

Thank you, Kathryn,

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Friday, October 6, 2023 9:23 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Martha Cox <mcox@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: ORDER: Hudson v. DHS, Claim No. 230641

Jim and Brent, please see attached order. The hearing letters for the rescheduled motions hearing and the claim hearing will be sent early next week.

Thanks,
Kathryn

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

From: [Kathryn Irby](#)
To: [Jim Jackson](#); [Martha Cox](#); [Brent Gasper](#); [Daiquiri Carter](#)
Subject: MOTIONS HEARING RESCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Wednesday, October 11, 2023 12:31:00 PM
Attachments: [Hudson v. DHS - 230641 - rescheduled motions hearing.pdf](#)

Jim and Brent, please see attached hearing rescheduling letter and new Zoom invitation.

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

October 11, 2023

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

(via email)

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

(via email)

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

Dear Mr. Jackson and Mr. Gasper,

Pursuant to the Commission's recent Order, the Commission has rescheduled the motions hearing previously set for November 8, 2023, to **Friday, January 19, 2024**, beginning at 9:00 a.m. The new Zoom invitation is enclosed.

As this is a motion hearing, no prehearing materials are requested by the Commission.

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

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Jan 19, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/85350621789?pwd=MmlYZmYrajg1VTILVzBMN3hrcUN0UT09>

Meeting ID: 853 5062 1789

Passcode: D8HHRg

Dial by your location

• +1 312 626 6799 US (Chicago)

• +1 646 931 3860 US

Meeting ID: 853 5062 1789

Passcode: 408463

Find your local number: <https://us06web.zoom.us/u/kck4S1YGtn>

From: [Brent Gasper](#)
To: [Kathryn Irby](#)
Subject: RE: MOTIONS HEARING RESCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Wednesday, October 11, 2023 12:33:30 PM

Received. Thank you Kathryn!

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Wednesday, October 11, 2023 12:32 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Martha Cox <mcox@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: MOTIONS HEARING RESCHEDULED: Hudson v. DHS, Claim No. 230641

Jim and Brent, please see attached hearing rescheduling letter and new Zoom invitation.

Thanks,
Kathryn

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

From: [Kathryn Irby](#)
To: [Jim Jackson](#); [Martha Cox](#); [Brent Gasper](#); [Daiquiri Carter](#)
Subject: CLAIM HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Wednesday, October 11, 2023 12:48:00 PM
Attachments: [Hudson v. DHS, 230641 hearing letter \(claim\).pdf](#)

Jim and Brent, please see attached hearing letter for the claim.

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

October 11, 2023

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

(via email)

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

(via email)

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

Dear Mr. Jackson and Mr. Gasper,

The Commission has scheduled this claim for a one-day hearing on **Thursday, September 19, 2024**, beginning at 9:00 a.m. All parties will attend via Zoom. If either party objects to the Zoom format, a written objection must be submitted via email (kathryn.irby@arkansas.gov) or mail no later than October 16, 2023. The Zoom invitation is enclosed.

The Commission's October 6, 2023, Order "instructed the parties to complete discovery as to lay witnesses related to the issue of liability and as to Respondent's accident reconstruction expert witness" by December 4, 2023. The Commission herein instructs the parties that all other discovery must be completed on or before **July 1, 2024**.

The following prehearing materials are due on or before **July 1, 2024**:

- Each party's list of witnesses who will testify live at the hearing or via deposition;
- Each party's list of exhibits that may be introduced at the hearing;

The following prehearing materials are due on or before **August 22, 2024**:

- Deposition transcripts if any deposition testimony will be submitted in lieu of live testimony;
- Prehearing briefs if either party would like to submit for Commission review; and
- Subpoena requests (absent a showing of good cause, the Commission will not issue subpoenas for requests received after this deadline).

To the extent that either party intends to file a motion of any kind, absent a showing of good cause, the motion must be submitted in sufficient time to allow the motion to be fully briefed pursuant to the Arkansas Rules of Civil Procedure by **August 22, 2024**.

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

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

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Sep 19, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/89325174710?pwd=4OGhHVweZgNpCnPU5N3NfpH8gsgns.1>

Meeting ID: 893 2517 4710

Passcode: riH9Sn

Dial by your location

• +1 646 931 3860 US

• +1 312 626 6799 US (Chicago)

Meeting ID: 893 2517 4710

Passcode: 048773

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

From: [Jim Jackson](#)
To: [Kathryn Irby](#); [Martha Cox](#); [Brent Gasper](#); [Daiquiri Carter](#)
Cc: [Martha Cox](#)
Subject: RE: CLAIM HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Wednesday, October 11, 2023 1:43:45 PM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

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, October 11, 2023 12:48 PM

To: Jim Jackson <jim@jimjacksonatty.com>; Martha Cox <mcox@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>

Subject: CLAIM HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Jim and Brent, please see attached hearing letter for the claim.

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: CLAIM HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Wednesday, October 11, 2023 1:46:44 PM

Received, thanks.

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Wednesday, October 11, 2023 12:48 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Martha Cox <mcox@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: CLAIM HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Jim and Brent, please see attached hearing letter for the claim.

Thanks,
Kathryn

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

From: [Martha Cox](#)
To: [Brent Gasper](#)
Cc: [Daiquiri Carter](#); [ASCC Pleadings](#); [Kathryn Irby](#); [Jim Jackson](#)
Subject: Haley Hudson, etc. v. Arkansas Department of Human Services, Arkansas State Claims Commission No. 230641
Date: Thursday, October 12, 2023 3:41:15 PM
Attachments: [Plaintiff's Second Set of Requests for Admission.pdf](#)

Mr. Gasper, please find attached the claimant's Second Set of Requests for Admissions in the above-referenced case.

By copy of this email, we request that the Arkansas State Claims Commission file this pleading in the above-referenced claim.

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

CLAIMANT

VS. CC NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES

RESPONDENT

PLAINTIFF'S SECOND SET OF REQUESTS FOR ADMISSIONS

Come now the Claimant, Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased and Haley Hudson as Permanent Legal Guardian of [REDACTED] by and through her attorney, Jim Jackson, and propounds the following Second Set of Requests for Admissions to the respondent, pursuant to Rule 36 of the Arkansas Rules of Civil Procedure, to be answered in writing, under oath, within thirty (30) days from the receipt of this request, admit the truth of each of the following requests for purposes of this action only. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny.

REQUEST FOR ADMISSION NO. 1: Admit that you have no evidence to rebut Stanley Cain's calculations and results contained in the table below titled "Impact Speed for Wilkerson (MPH)." This table is also found in Stanley Cain's report.

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

REQUEST FOR ADMISSION NO. 2: Admit that you have no evidence to rebut Stanley Cain's expert's calculations contained in the attached ten (10) pages of calculations which are attached to these Requests as Exhibit #1.

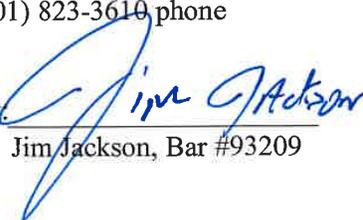
REQUEST FOR ADMISSION NO. 3: Admit that you have no evidence to rebut Michael Kerley's finding that the right rear tire of Jacqueline Ashcraft's was on the right (South) shoulder fog line at the time the respondent's vehicle collided into the rear end of the Ashcraft vehicle.

REQUEST FOR ADMISSION NO. 4: Admit that you have no evidence that Jacqueline Ashcraft was negligent in any way in causing the Jennifer Wilkerson to drive into the rear end of her automobile.

Respectfully submitted,

JACKSON LAW FIRM
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114
(501) 823-3610 phone

By:


Jim Jackson, Bar #93209

CERTIFICATE OF SERVICE

I, Jim Jackson, do hereby certify that a true and correct copy of the above and foregoing has been served upon the following counsel of record by E-Mail on this, the 12th day of October, 2023.

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



Jim Jackson

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.

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: 0.7000
 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

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

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

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

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

$$f = 0.4908$$

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 CoF_M 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

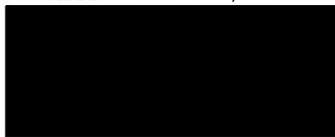
Formula Results:

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

Drag F	Speed	Drag F	Speed	Drag F	Speed
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

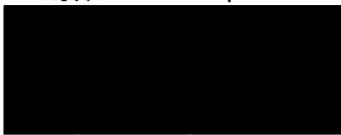
Calculation Notes:

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

$$\begin{aligned}
 (W_1 \times V_1) + (W_2 \times V_2) &= (W_1 \times V_3) + (W_2 \times V_4) \\
 (3074.0000 \times V_1) + (3733.0000 \times 0.0000) &= (3074.0000 \times 30.9600) + (3733.0000 \times 31.9000) \\
 (3074.0000 \times V_1) + 0.0000 &= 95171.0400 + 119082.7000 \\
 (3074.0000 \times V_1) + 0.0000 &= 214253.7400 \\
 (3074.0000 \times V_1) &= 214253.7400 - 0.0000 \\
 (3074.0000 \times V_1) &= 214253.7400 \\
 \\
 V_1 &= \frac{214253.7400}{3074.0000} \qquad V_1 = 69.6986
 \end{aligned}$$

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: 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

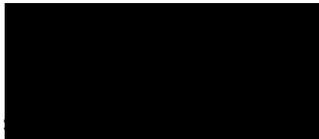
Calculation Notes:

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

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

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

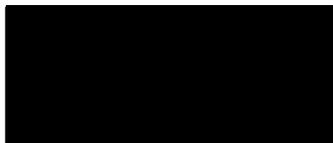
Calculation Notes:

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

Incrementation Results

<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

$$\begin{aligned}
 (W_1 \times V_1) + (W_2 \times V_2) &= (W_1 \times V_3) + (W_2 \times V_4) \\
 (3074.0000 \times V_1) + (3733.0000 \times 0.0000) &= (3074.0000 \times 30.1700) + (3733.0000 \times 33.6300) \\
 (3074.0000 \times V_1) + 0.0000 &= 92742.5800 + 125540.7900 \\
 (3074.0000 \times V_1) + 0.0000 &= 218283.3700 \\
 (3074.0000 \times V_1) &= 218283.3700 - 0.0000 \\
 (3074.0000 \times V_1) &= 218283.3700 \\
 \\
 V_1 &= \frac{218283.3700}{3074.0000} & V_1 &= 71.0095
 \end{aligned}$$

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: 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: [Daiquiri Carter](#)
To: [ASCC Pleadings](#); jim@jimjacksonatty.com; [Martha Cox](#)
Cc: [Brent Gasper](#); [Daiquiri Carter](#)
Subject: CC # 230641
Date: Wednesday, October 18, 2023 3:19:07 PM
Attachments: [Response to requests for admissions-001.pdf](#)
[image.png](#)
[image.png](#)

Please find attached Respondent's Response to Claimants' Second Set of Requests for Admissions. 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
 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, 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 RESPONSE TO CLAIMANTS' SECOND SET OF
REQUESTS FOR ADMISSION**

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, with its Response to Claimants' Second Set of Requests for Admission, and states:

REQUEST FOR ADMISSION NO. 1: Admit that you have no evidence to rebut Stanley Cain's calculations and results contained in the table below titled "Impact Speed for Wilkerson (MPH)." This table is also found in Stanley Cain's report.

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 2: Admit that you have no evidence to rebut Stanley Cain's expert's calculations contained in the attached ten (10) pages of calculations which are attached to these Requests as Exhibit #1.

RESPONSE: Denied.

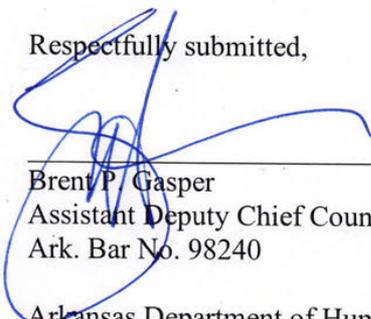
REQUEST FOR ADMISSION NO. 3: Admit that you have no evidence to rebut Michael Kerley's finding that the right rear tire of Jacqueline Ashcraft's was on the right (South) shoulder fog line at the time the respondent's vehicle collided into the rear end of the Ashcraft vehicle.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 4: Admit that you have no evidence that Jacqueline Ashcraft was negligent in any way in causing Jennifer Wilkerson to drive into the rear end of her automobile.

RESPONSE: Denied.

Respectfully submitted,

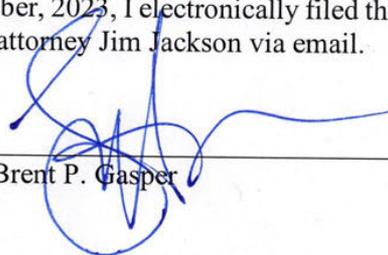
By: 

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 18 October, 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: [Kathryn Irby](#); [ASCC Pleadings](#)
Cc: [Brent Gasper](#); [Daiquiri Carter](#); [Jim Jackson](#)
Subject: 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
Date: Wednesday, October 18, 2023 4:36:30 PM
Attachments: [Claimant's Second Set of Interrogatories and Requests for Production of Documents Respondent 10-18-2023.pdf](#)

Please find enclosed for filing in the above-referenced case the claimant's Second Set of Interrogatories and Requests for Production of Documents. By copy of this email, they are being served upon the respondent's counsel.

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, 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

**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] 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:

INTERROGATORY NO. 1: Please state all evidence that you have that supports your denial of the Claimant's Request for Admission No. 1.

INTERROGATORY NO. 2: Please provide the calculations and results of any analysis of impact speed in your possession that supports your denial of Claimant's Request for Admission No. 1.

INTERROGATORY NO. 3: Please state the name, address and telephone number of all persons on behalf of the Respondent who have performed an analysis of the calculations contained in Stanley Cain's expert calculations which were attached as Exhibit #1 to the Claimant's Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 1: Please attach to your answers copies of all reports and other documents prepared or furnished by said person or persons who have examined the calculations contained in the Claimant's Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 2: Please attach to your answers copies of all reports, analysis, calculations and other documents prepared or furnished by said person or persons who have evidence that rebuts Stanley Cain's expert calculations which were attached as Exhibit #1 to the Claimant's Request for Production No. 2.

INTERROGATORY NO. 4: Identify all evidence you have that supports your denial of the Claimant's Request for Admission No. 3.

INTERROGATORY NO. 5: Identify all evidence you have that supports your denial of the Claimant's Request for Admission No. 4.

REQUEST FOR PRODUCTION NO. 3: Please attach to your answers copies of all documents you have received from the cellular phone subpoena issued by the Arkansas Claims Commission to AT&T.

REQUEST FOR PRODUCTION NO. 4: Please attach to your answers copies of all documents you have received from the HIPAA authorization for Jacqueline Ashcraft executed by the claimant.

REQUEST FOR PRODUCTION NO. 5: Please attach to your answers copies of all documents you have received from the Arkansas Department of Human Services' Authorization to Disclose Health Information authorization executed by the claimant.

REQUEST FOR PRODUCTION NO. 6: Please attach to your answers copies of all documents you have received from the Authorization for Review of Criminal History Information for Jacqueline Lynn Ashcraft authorization executed by the claimant and delivered to your office on April 17, 2023 via e-mail.

REQUEST FOR PRODUCTION NO. 7: Please attach to your answers copies of all documents you have received from the HIPAA authorization for [REDACTED] executed by the claimant that was delivered to your office on April 21, 2023.

REQUEST FOR PRODUCTION NO. 8: Please attach to your answers copies of all documents you have received from the Driving Records authorization executed by the claimant which was delivered to your office on April 21, 2023.

REQUEST FOR PRODUCTION NO. 4: Please attach to your answers copies of all documents you have received from the authorization titled [REDACTED] Child Support Release Authorization executed by the claimant on May 22, 2023.

INTERROGATORY NO. 6: These interrogatories and requests for production are considered to be continuing in nature, to be supplemented by the respondent upon receipt of additional information after the interrogatories and requests for production have been answered. Will you do so?

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 Set of Interrogatories and Requests for Production of Documents were served on the following counsel of record by electronic service according to the Rules of the Arkansas Claims Commission to:

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

Jim R. Jackson
Jim R. Jackson

From: [Kathryn Irby](#)
To: [Brent Gasper](#)
Cc: [Daiquiri Carter](#); [Misty Scott](#)
Subject: RE: CC docket Q
Date: Monday, October 23, 2023 11:02:00 AM

The below list does not include correspondence or orders.

Thanks,
 Kathryn

Online claim – 11/6/2022
 Signature page and supporting docs – 11/9/2022
 Additional documentation – 11/12/2022, 11/17/2022, 11/22/2022, 11/28/2022
 DHS’ motion to cure – 12/7/2022
 Cl’s response to motion to cure and complaint – 12/16/2022
 Cl’s amended complaint – 12/28/2022
 Cl’s first RFAs – 1/19/2023
 Resp’s responses to first RFAs – 2/9/2023
 Cl’s second set of RFAs – 2/10/2023
 Resp’s responses to first interrogatories and RFPs – 2/10/2023
 Cl’s motion to withdraw first and second set of RFAs – 2/27/2023
 Answer – 3/1/2023
 Resp’s first set of interrogatories and RFPs – 3/7/2023
 Cl’s responses to interrogatories and RFPs – 4/4/2023
 Cl’s notice of filing medical records – 4/20/2023
 Resp’s MTD Haley Hudson individually – 4/26/2023
 Resp’s motion to compel – 5/2/2023
 Resp’s motion to quash – 5/3/2023
 Cl’s response to MTD – 5/10/2023
 Cl’s second amended complaint – 5/10/2023
 Cl’s response to motion to compel – 5/16/2023
 Cl’s second amended complaint – 5/18/2023
 Resp’s reply to response to motion to compel – 5/25/2023
 Cl’s sur-reply to reply to response to motion to compel – 6/2/2023
 Resp’s answer to second amended complaint, motion to sever, motion to hold claim in abeyance – 6/7/2023
 Cl’s motion to nonsuit individual claim – 6/12/2023
 Cl’s responses to discovery requests – 6/12/2023
 Cl’s motion for partial summary judgment – 6/15/2023
 Cl’s response to motion to sever and motion to hold claim in abeyance – 6/21/2023
 Resp supplemented discovery – 6/23/2023
 Resp’s motion to strike Cl’s MPSJ, etc. – 6/23/2023
 Cl’s response to motion to strike, etc. – 6/28/2023
 Cl’s supplemental exhibit to MPSJ – 6/28/2023

Resp's reply to response to motion to sever and motion to hold claim in abeyance – 7/5/2023
Resp's reply to response to motion to strike – 7/6/2023
Cl's sur-reply to reply to response to motion to sever and motion to hold claim in abeyance – 7/10/2023
Cl's sur-reply to reply to response to motion to strike – 7/14/2023
Resp's withdrew MTD individual claim – 7/26/2023
Cl's second set of discovery requests – 8/7/2023
Resp's supplemental response to Cl's first set of discovery requests – 8/10/2023
Cl's second supplemental exhibits to MPSJ – 8/16/2023
Resp's response to Cl's second set of discovery requests – 8/23/2023
Resp's motion for enlargement of time – 10/2/2023
Cl's second set of RFAs – 10/12/2023
Resp's responses to second set of RFAs – 10/18/2023

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Monday, October 23, 2023 10:32 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Misty Scott <Misty.Scott@arkansas.gov>
Subject: RE: CC docket Q

Thank you, Kathryn. Misty, I'm just looking for a list of all pleadings that have been filed and received by the Commission and the dates of those submissions and filings. Is that something you can help me with?

Thanks!

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Monday, October 23, 2023 10:13 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Misty Scott <Misty.Scott@arkansas.gov>
Subject: RE: CC docket Q

No, there is not an online docket search for the Commission. If you need to know when a particular filing was submitted, you can email me or Misty Scott (who is copied on this email).

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>

Sent: Monday, October 23, 2023 9:05 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: CC docket Q

Kathryn:

Good morning! Does the CC have an online docket search like CourtConnect? I'm trying to find a docket reflecting entries of filings in Hudson v. DHS. Basically just looking for when things were filed.

Any help would be appreciated. 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](#); [Kathryn Irby](#); [ASCC Pleadings](#)
Cc: [Daiquiri Carter](#); [Jim Jackson](#)
Subject: 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
Date: Monday, October 23, 2023 10:50:35 AM
Attachments: [Second Set of Interrogatories & Requests for Production of Documents to the Respondent in the Above-Referenced Case](#)

Please see attached, in Word format, the claimant's Second Set of Interrogatories & Requests for Production of Documents to the respondent 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: Brent Gasper <brent.gasper@dhs.arkansas.gov>
Sent: Monday, October 23, 2023 10:47 AM
To: Martha Cox <mcox@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: 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

Thank you, Martha. Would you be able to send these over in Word format?

I appreciate it!

brent

From: Martha Cox <mcox@jimjacksonatty.com>
Sent: Wednesday, October 18, 2023 4:36 PM
To: Kathryn Irby <kathryn.irby@arkansas.gov>; ASCC Pleadings <ascppleadings@arkansas.gov>
Cc: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: 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

[EXTERNAL SENDER]

Please find enclosed for filing in the above-referenced case the claimant's Second Set of Interrogatories and Requests for Production of Documents. By copy of this email, they are being served upon the respondent's counsel.

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: [Kathryn Irby](#)
To: [Brent Gasper](#)
Cc: [Daiquiri Carter](#)
Subject: RE: subpoena duces tecum
Date: Wednesday, October 25, 2023 1:12:00 PM
Attachments: [Hudson v. DHS - Mercy subpoena.pdf](#)

Please see attached.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, October 25, 2023 8:42 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: subpoena duces tecum

Kathryn, can you prepare a subpoena duces tecum in the Hudson v. DHS case for the following:

Mercy Hospital – Booneville
Attn: Human Resources Department
880 W Main Street
Booneville AR 72927

The request should be any and all medical records for Jacqueline “Jackie” Lynn Ashcraft, DOB [REDACTED] for the last five (5) years.

Thank you!

Brent

Cc: Daiquiri Carter

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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**Issued by the
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], a
Minor Child, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF
HUMAN SERVICES, Respondent

TO: Mercy Hospital – Booneville
Attn: Human Resources Department
880 West Main Street
Booneville, Arkansas 72927

_____ 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):

Any and all medical records for Jacqueline “Jackie” Lynn Ashcraft, DOB [REDACTED]
SSN [REDACTED] for the last five (5) years.



October 25, 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).

From: [Kathryn Irby](#)
To: [Brent Gasper](#)
Cc: [Daiquiri Carter](#)
Subject: RE: subpoena DT
Date: Friday, October 27, 2023 10:30:00 AM
Attachments: [Hudson - Subpoena - Mercy 2.pdf](#)

Brent, please see attached. Let me know if you see any issues.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Friday, October 27, 2023 8:48 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: subpoena DT

Kathryn, I'm sorry for the duplication but I confused myself with that last request for a SDT. I ***do*** need information from the following but need to request different records:

Mercy Hospital – Booneville
Attn: Human Resources Department
880 W Main Street
Booneville AR 72927

“Please provide any documentation that lists or create a list that includes the names of all nurses, including nurse practitioners, RN’s, CNA’s, LPN’s, and any other person employed by Mercy Hospital – Booneville that required a nursing licensure as a prerequisite for hire or employment for the last five years. Please include last known phone number or address for each person listed.”

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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Issued by the
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], a
Minor Child, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF
HUMAN SERVICES, Respondent

TO: Mercy Hospital – Booneville
Attn: Human Resources Department
880 West Main Street
Booneville, Arkansas 72927

_____ 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):

Please provide any documentation that lists or create a list that includes the names of all
nurses, including nurse practitioners, RN’s, CNA’s, LPN’s, and any other person employed
by Mercy Hospital – Booneville that required a nursing licensure as a prerequisite for hire or
employment for the last five years. Please include last known phone number or address for
each person listed.

October 27, 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).

From: [Daiquiri Carter](#)
To: [ASCC Pleadings](#); jim@jimjacksonatty.com
Cc: [Martha Cox](#); [Brent Gasper](#); [Daiquiri Carter](#)
Subject: CC #230641
Date: Monday, October 30, 2023 12:53:53 PM
Attachments: [image.png](#)
[image.png](#)
[Response to Claimants' Second Set of Interrogatories_001.pdf](#)

Please find attached DHS' Response to Claimants' Second Set of Interrogatories and Requests for Production. 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
 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 RESPONSE TO CLAIMANTS' SECOND SET OF
INTERROGATORIES AND REQUESTS FOR PRODCUTION OF DOCUMENTS**

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, with its Response to Claimants' Second Set of Interrogatories and Requests for Production of Documents, and states:

INTERROGATORY NO. 1: Please state all evidence that you have that supports your denial of the Claimant's Request for Admission No. 1.

RESPONSE: Mr. Michael Kerley testified at a deposition on October 26, 2023, and noted discrepancies concerning Mr. Stanley Cain's calculations based upon the inaccuracy of the map and diagrams being used by Mr. Cain in his calculations, as well as certain factors that may influence the calculations one way or the other. A full recitation of Mr. Kerley's explanation will be available when the transcript of his deposition is prepared.

INTERROGATORY NO. 2: Please provide the calculations and results of any analysis of impact speed in your possession that supports your denial of Claimant's Request for Admission No. 1.

RESPONSE: Please see response to Interrogatory No. 1.

INTERROGATORY NO. 3: Please state the name, address and telephone number of all persons on behalf of the Respondent who have performed an analysis of the calculations contained in Stanley Cain's expert calculations which were attached as Exhibit #1 to the Claimant's Request for Production No. 1.

RESPONSE: Michael Kerley. Mr. Kerley's CV has been previously provided to Claimants' counsel.

REQUEST FOR PRODUCTION NO. 1: Please attach to your answers copies of all reports and other documents prepared or furnished by said person or persons who have examined the calculations contained in the Claimant's Request for Production No. 1.

RESPONSE: Please see response to Interrogatory No. 1. Mr. Kerley's testimony will be available when the transcript of his deposition is prepared. The court reporter will be able to provide Claimants with a copy of that deposition.

REQUEST FOR PRODUCTION NO. 2: Please attach to your answers copies of all reports, analysis, calculations and other documents prepared or furnished by said person or persons who have evidence that rebuts Stanley Cain's expert calculations which were attached as Exhibit #1 to the Claimant's Request for Production No. 2.

RESPONSE: See response to previous discovery responses, supra.

INTERROGATORY NO. 4: Identify all evidence you have that supports your denial of the Claimant's Request for Admission No. 3.

RESPONSE: Mr. Michael Kerley testified at a deposition on October 26, 2023, and discussed the relative placement of the tires of Ms. Ashcraft's vehicle at the time of impact.

A full recitation of Mr. Kerley's testimony concerning the relative placement of the vehicles and their tires will be available when the transcript of his deposition is prepared.

INTERROGATORY NO. 5: Identify all evidence you have that supports your denial of the Claimant's Request for Admission No. 4.

RESPONSE: The testimony of Michael Kerley. The testimony of Stanley Cain. The testimony of Jennifer Wilkerson. The testimony of Bobby Dale Wilson. The testimony of James Ray. The police report generated by Mr. Ray. The expert report generated by Stanley Cain. The expert report generated by Michael Kerley. Respondent also believes that the forthcoming medical testimony will establish that Ms. Ashcraft was negligent in operating her vehicle under the influence of a controlled substance and/or while being treated for a medical condition that adversely affected her ability to drive. Furthermore, discovery in this case is still ongoing and Respondent reserves the right to supplement this answer with any newly discovered evidence of Ms. Ashcraft's negligence.

REQUEST FOR PRODUCTION NO. 3: Please attach to your answers copies of all documents you have received from the cellular phone subpoena issued by the Arkansas Claims Commission to AT&T.

RESPONSE: This response will be supplemented with the requested records.

REQUEST FOR PRODUCTION NO. 4: Please attach to your answers copies of all documents you have received from the HIPAA authorization for Jacqueline Ashcraft executed by the claimant.

RESPONSE: This response will be supplemented with the requested records.

REQUEST FOR PRODUCTION NO. 5: Please attach to your answers copies of all documents you have received from the Arkansas Department of Human Services' Authorization to Disclose Health Information authorization executed by the claimant.

RESPONSE: This response will be supplemented with the requested records.

REQUEST FOR PRODUCTION NO. 6: Please attach to your answers copies of all documents you have received from the Authorization for Review of Criminal History Information for Jacqueline Lynn Ashcraft authorization executed by the claimant and delivered to your office on April 17, 2023, via e-mail.

RESPONSE: This response will be supplemented with the requested records.

REQUEST FOR PRODUCTION NO. 7: Please attach to your answers copies of all documents you have received from the HIPAA authorization for [REDACTED] [REDACTED] executed by the claimant that was delivered to your office on April 21, 2023.

RESPONSE: This response will be supplemented with the requested records.

REQUEST FOR PRODUCTION NO. 8: Please attach to your answers copies of all documents you have received from the Driving Records authorization executed by the claimant which was delivered to your office on April 21, 2023.

RESPONSE: This response will be supplemented with the requested records.

REQUEST FOR PRODUCTION NO. 4: Please attach to your answers copies of all documents you have received from the authorization titled [REDACTED] Child Support Release Authorization executed by the claimant on May 22, 2023.

RESPONSE: This response will be supplemented with the requested records.

INTERROGATORY NO. 6: These interrogatories and requests for production are considered to be continuing in nature, to be supplemented by the respondent upon receipt of

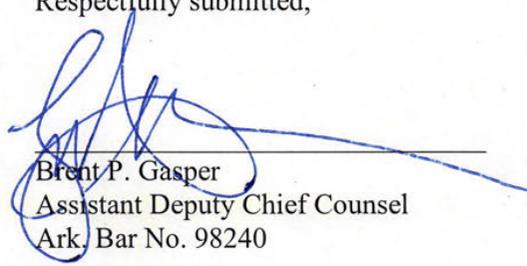
additional information after the interrogatories and requests for production have been answered.

Will you do so?

RESPONSE: Yes.

Respectfully submitted,

By:

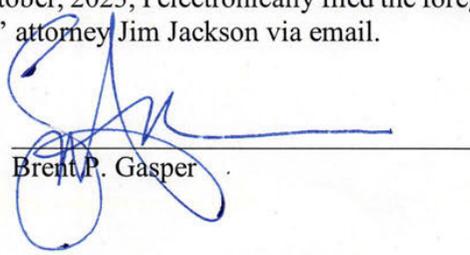


Brent P. Gasper
Assistant Deputy Chief Counsel
Ark. Bar No. 98240

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 31 October, 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: Wednesday, November 1, 2023 11:10:30 AM
Attachments: [Respondent's Motion to Compel 001.pdf](#)
[image.png](#)
[image.png](#)

Please find attached Respondent's Motion to Compel. 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
 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 MOTION TO COMPEL

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, with its Motion to Compel, and states:

1. On March 7, 2023, Respondent filed its First Set of Interrogatories and Requests for Production on the named Claimants' counsel, Jim Jackson.
2. Claimants' responses to Respondent's first interrogatory, which were filed by Claimants on April 4, 2023, is copied below:

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 Carley Jones and Kadey Jones possess. Kimmy Corley is the mother of the minor child who was in the back seat. Ms. Corley lived at 5501 SH 22, Paris, Arkansas, at the time of the wreck. Bobby Dale Wilson, 798 Wilson Road, Sulligent, Alabama 35586, 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. Kadey

and Carley Jones live with Haley Hudson at 546 CR 354, Wynne, Arkansas 72396. (emphasis added)

3. Claimants' responses to Respondent's second interrogatory, which were filed by Claimants on April 4, 2023, is copied below:

INTERROGATORY NO. 2: Please state the last known address, phone number, email address, and social media account identification for each person identified in the response to Interrogatory No. 1. Social media includes without limitation Facebook, Instagram, Twitter, Truth Social, Tik Tok, SnapChat, YouTube, and WhatsApp.

RESPONSE: Objection ... Without waiving said Objection, the names and address are contained in the claimant's answers to Interrogatory Nos. 1 and 12.¹ (emphasis added)

4. As is pleaded under oath as part of a response filed with this Commission, on the date these responses were delivered to Respondent, it *appears* that Claimants' counsel does not know the whereabouts of the witness Jennifer Wilkerson. At least, that's what he would like this Commission to believe. Indeed, he never *outright* states that he does or does not know of her whereabouts and her contact information. He merely states that some twenty-two (22) months after her employment with Respondent was terminated that Respondent still knows where Ms. Wilkerson is and how to contact her. Why he believes that Respondent keeps tabs or should keep tabs on former employees is not clearly explained. What is clear is that he provided no affirmative information in response to the first interrogatory.

5. Perhaps more interesting is his response to the second interrogatory. Here, Claimants' counsel simply objects and then refers back to his response to the first interrogatory, *but only in reference to names and phone numbers*. Notably, he fails to address email addresses.

¹ Claimants' counsel actually initially argues in furtherance of his objection but that argument is strictly as the interrogatory pertains to social media accounts. Because social media accounts are not the subject of this motion to compel Respondent has removed that part of Claimants' response for the sake of brevity.

6. At the end of Claimants' responses to Respondent's first set of interrogatories, which were filed by Claimants on April 4, 2023, was this provision:

INTERROGATORY NO. 32: Please state whether Claimant will treat the foregoing interrogatories as continuing and furnish to Respondent, in writing, any additional information received by Claimant subsequent to the date of Claimant's answers hereto that would modify or supplement Claimant's answers, such additional information to be furnished as soon as reasonably possible after receipt by Claimant and within a reasonable time prior to the assigned trial date in order to permit appropriate discovery procedure.

RESPONSE: The claimant will abide by the Arkansas Rules of Civil Procedure.

7. As the Commission knows, this is a standard interrogatory that describes the subsequent and ongoing obligation to comply with the rules of discovery by supplementing the given answers as the case develops over time. While Claimants counsel did not answer in the affirmative, Claimants counsel did state Claimants would abide by the Arkansas Rules of Civil Procedure, where that requirement exists nonetheless.² As the following sections of this motion clearly set out, Claimants counsel failed to live up to this obligation.

Knowledge of Jennifer Wilkerson's Whereabouts

8. Ms. Wilkerson is a difficult person to reach.³ This was one of the claims Respondent made in furtherance of its motion for an enlarged period of time to respond to Claimants' Motion for Summary Judgment. In an email to Kathryn Irby, Director of the Arkansas State Claims Commission, Claimants' counsel acknowledges and agrees with this assertion when asking Ms. Irby to prepare a subpoena to compel Ms. Wilkerson's attendance at a deposition. See Respondent's Exhibit "A", attached hereto. This, however, was not the entire truth.

² See Ark. R. Civ. Pro. 26(e).

³ As previously stated, Ms. Wilkerson is no longer employed by Respondent and as discovered at her deposition, is currently unemployed.

9. At her deposition on October 20th in the Logan County Courthouse, Jennifer Wilkerson revealed, much to Respondent's counsel's surprise, that Claimants' counsel has been in contact with her since *at least* April 7, 2023. *See* attached as Respondent's Exhibit "B" a copy of a screenshot from Ms. Wilkerson's personal cell phone that shows a message sent by Claimants' counsel on this date.⁴ In fact, Claimants' counsel has tried to contact her repeatedly by both phone and email to try and get her to both talk about the case but also to persuade her to sign an affidavit that he himself had drafted that allegedly described Ms. Wilkerson's actions at the time of the accident. These contacts by Claimants' counsel were so constant and continuous that, at her deposition, Ms. Wilkerson described Claimants' counsel as being "pushy" and "harass[ing]" her. She also stated that she felt like she was being "manipulated" and "bullied" by Claimants' counsel.⁵

10. As expected, Respondent's counsel was taken aback by these revelations as he had relied upon and believed Claimants' responses to the interrogatories and requests for production of documents those many months prior. However, it turned out that Claimants' counsel knew where Ms. Wilkerson was *for months*, had contacted her repeatedly, possessed written and/or electronic communications with Ms. Wilkerson, and had concealed this fact from Respondent's counsel. This, while simultaneously pursuing a motion for summary judgment where Claimants stated that there was *no dispute as to the material facts of this case*.

⁴ Notably, this was approximately one (1) month before Claimants filed their Second Amended Complaint and approximately two (2) months before Claimants filed their motion for summary judgment. Moreover, this screenshot was provided to Respondent not by Claimants by Ms. Wilkerson herself.

⁵ Respondent has been provided partial records from Ms. Wilkerson that show contacts or attempted contacts by Claimant's counsel on April 7, August 14, September 8, September 11, September 14, and October 2, all from 2023. Respondent anticipates there will be many more if full records are provided. Ms. Wilkerson also states that she sent an email to Claimant's counsel during this time period, presumably in response to one of his contacts. This, of course, would be discoverable but has not been turned over to Respondent as of the date of this motion. Ms. Wilkerson also testified that Claimant's counsel left her a voicemail as well but a copy of that voicemail was apparently not retained. Claimant's counsel, however, does acknowledge leaving that voicemail. *See* attached Exhibit "C".

Claimants' Counsel's Discovery Obligation

11. To be clear, Claimants' counsel had an obligation to inform Respondent of Jennifer Wilkerson's whereabouts and to provide Respondent with her contact information. This includes email addresses, which Claimants' counsel artfully dodged providing in his initial discovery responses. Rule 26(e) of the Arkansas Rules of Civil Procedure is as plain as day:

*(e) Supplementation of Responses. (1) A party is under a duty seasonably to amend a prior response to an interrogatory, request for production, or request for admission if the party learns that the response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing. **This duty includes, but is not limited to, supplying supplemental information about the identity and location of persons having knowledge of discoverable matters, the identity and location of each person expected to be called as a witness at trial, and the subject matter and substance of any expert witness's testimony.***

12. As should be clear before this Commission, Claimants' evasive and incomplete answer to the interrogatories coupled with a motion for summary judgment that Respondent believes would have been – and still will be – easily defeated by evidence that would have been and has now been gleaned from Jennifer Wilkerson's testimony is a demonstration of bad faith before this Commission. Indeed, had Ms. Wilkerson's eyewitness observations and her version of events been known about sooner, Claimants' counsel would have been unable to file his motion in good faith as Ms. Wilkerson's deposition made abundantly clear.

13. Specifically, Jennifer Wilkerson testified that she never saw brake lights or a turn signal on Ms. Ashcraft's vehicle before and at the time of the accident. She also testified that it was very possible that the reason for this was that Ms. Ashcraft was on the shoulder of the road, subsequently reentering the roadway immediately before the collision, which in turn would have corroborated the sworn affidavit of Bobby Dale Wilson, the driver of the truck involved in the accident. Ms. Wilkerson's testimony that she never saw any brake lights also supports

Respondent's expert's findings that there were no skid marks left by Ms. Ashcraft's vehicle, which would have been left had Ms. Ashcraft been applying her brakes at the time. Both cumulatively and individually these facts support Respondent's defense that Ms. Ashcraft was comparatively at fault in this accident, which is a direct contradiction to Claimants' claim from the outset that Ms. Wilkerson was *wholly at fault*. It also is a direct refutation that there was no dispute as to a material fact concerning liability, *which is the entire impetus* of Claimants' motion for summary judgment.

14. Jennifer Wilkerson *also* testified that she had heard from a family member that Ms. Ashcraft had been visiting the emergency room prior to the accident for a medical issue involving her head.⁶ Mr. Wilkerson testified that an unknown nurse had told Ms. Wilkerson's family member this information after knowledge of the accident and Ms. Ashcraft's death that resulted from a brain bleed began circulating in the community. Clearly this information, if proven accurate, would be a turn of events with significant import in this case as Claimants have contended from the outset that Ms. Ashcraft's brain injuries were caused *solely* by the accident and therefore *solely* by the actions of Jennifer Wilkerson. Likewise, Claimants have pleaded and subsequently testified under oath that at the time of her death Ms. Ashcraft was not being seen by any medical professional and did not suffer from any condition that would have caused her injuries. Jennifer Wilkerson's testimony now casts a dark shadow over these claims.

15. As would be expected, after being made aware of this information Respondent immediately began to investigate these claims and has begun to try to locate the unnamed nurse. Respondent has also begun re-requesting Ms. Ashcraft's medical records from area hospitals and trauma centers in the event that Respondent had previously overlooked a facility that may have possessed records of Ms. Ashcraft's medical treatment or where she might have used an alias. It

⁶ Ms. Wilkerson referred to the condition at her deposition as a "brain aneurysm" although she was not entirely sure what the nature of the head condition was.

is too early to know whether these efforts will bear fruit before Respondent's response to Claimants' motion for summary judgment is due. What is clear, however, is that had Claimants' counsel honored his obligation to supplement discovery by providing Jennifer Wilkerson's contact information to Respondent when he should have – much earlier in these proceedings and not through an inadvertent reveal at Ms. Wilkerson's deposition – Respondent would likely have had ample time to investigate this claim instead of fighting a premature motion for summary judgment. Claimant would likewise not have felt it necessary to involve this Commission in not one but *two* last-minute emergency hearings to request reprieves from the undue hardship imposed on Respondent with the condensed discovery timeline.

Compulsion of Evidence

16. Due to the foregoing, Respondent asks this Commission to compel Claimants' counsel to provide Respondent with any and all discoverable material and information not already provided to Respondent. Respondent also requests that, if necessary, this Commission conduct an *in camera* review of all information and documentation concerning and surrounding Claimants' counsel's dealings with Ms. Wilkerson to ensure that all discoverable information and material has been provided to Respondent and, if not, to compel Claimants' counsel to do so.⁷

Discovery Violations

17. Respondent also contends that Claimants' counsel violated the rules of discovery, implicating not only Rule 26(e) but also Rule 37, which sets forth what constitutes a failure to make discovery.

⁷ Respondent believes that an *in camera* review the best method to ascertain the collective evidence Claimants' counsel has been withholding from Respondent as Claimants' counsel has stated on the record that he did not believe Respondent was "entitled" to this information. While Respondent disagrees, an *in camera* hearing would protect the parties and ensure that not only are discovery obligations being honored but that privileged information is not inadvertently disclosed.

18. Rule 37(d) reads, in part:

(d) Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Request for Inspection.

If a party ... fails ...

... (2) to serve answers or objections to interrogatories submitted under Rule 33, after proper service of the interrogatories ... the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under paragraphs (A), (B) and (C) of subdivision (b)(2) of this rule.

Any motion specifying a failure under clause (2) or (3) of this subdivision shall include a statement that the movant has in good faith conferred or attempted to confer with the party failing to answer or respond in an effort to obtain such answer or response without court action.

In lieu of any other order or in addition thereto, the court shall require the party failing to act or the attorney advising him or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

19. As required under Rule 37(d), Respondent did send an email to Claimants' counsel on Monday, October 23, stating:

"Following up on my on-the-record request, please remit copies of any and all written, text, email, or voice communications you have had with Jennifer Wilkerson. Please also supply a call log of each and every phone call placed or message sent to Jennifer Wilkerson or that you have received from Jennifer Wilkerson."

20. In response, Claimants' counsel stated:

"Your request for my correspondence, notes, text messages, phone call log with a witness is also misplaced. It is my opinion that the items you informally requested in your email are protected under the attorney work product doctrine. However, if I am mistaken in my understanding of the law, I have prepared a Privilege Log containing my correspondence with Ms. Wilkerson. I am asserting that the documents you informally requested in your email are privileged communications."

21. Claimants' counsel's reliance on the "attorney work doctrine" is unfounded in this instance. Potentially privileged information is specifically addressed in Rule 37(d):

The failure to act described in this subdivision may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided in Rule 26(c).

22. Claimants' attorney has thus far requested no protective order as far as Respondent is aware.

23. Further, Rule 37(e) is particularly relevant:

(e) Failure to Supplement Responses.

If a party fails to supplement responses seasonably as required by Rule 26(e), and another party suffers prejudice, then upon motion of the prejudiced party made before or at trial, the court may make any order which justice requires to protect the moving party, including but not limited to imposing any sanction allowed by subdivision (b)(2)(A)-(C) of this rule.

24. In light of the foregoing, Respondent expects that Claimants' counsel will argue that he in fact did answer truthfully in his responses to interrogatories because he did not outright deny that he did not know Jennifer Wilkerson's whereabouts or contact information. However, Rule 37 contemplates this excuse by stating in no uncertain terms "an evasive or incomplete answer or response is to be treated as a failure to answer or respond." See Rule 37(a)(3). The official commentary to Rule 37(a)(3) further explains:

Under revised paragraph (3) of subdivision (a), evasive or incomplete disclosures and responses to interrogatories and production requests are treated as failures to disclose or respond.

Interrogatories and requests for inspection should not be read or interpreted in an artificially restrictive or hypertechnical manner to avoid disclosure of information fairly covered by the discovery request, and to do so is subject to appropriate sanctions.

Prejudice

25. Claimants' counsel's failure and/or refusal to comply with the Arkansas Rules of Civil Procedure has substantially prejudiced Respondent and potentially damaged its case. It certainly has upended Respondent's investigation into the matter, compromised its trial strategy and preparation, and altered its approach to the case. The compressed and unreasonable timeframe under which Respondent has been required to act resulting from Claimants' counsel's bad faith has cost Respondent and its counsel time, effort, and money that it would not have had to expend had Claimants' counsel fairly proceeded under the rules. And this Commission would not have had to referee the still-ongoing dispute over Claimants' motion for summary judgment by reviewing dozens of pages of legal argument contained in the several motions filed before it concerning that issue, as well as holding two (2) extraordinary hearings to decide them. Claimants' actions have placed an unfair and unreasonably undue hardship on Respondent and its counsel and have materially affected the case to Respondent's detriment.

Prayers for Relief

26. Due to the foregoing, Respondent PRAYS that its Motion to Compel be GRANTED. Respondent further PRAYS for any and all other relief to which it may show itself entitled.

Respectfully submitted,

By: _____

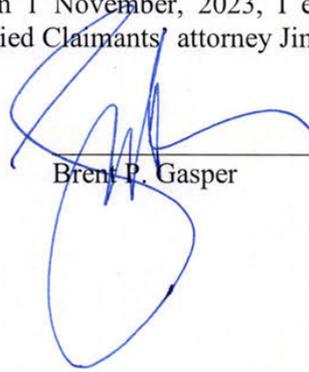
Brent P. Gasper
Assistant Deputy Chief Counsel
Ark. Bar No. 98240

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 1 November, 2023, I electronically filed the foregoing with the Claims Commission and copied Claimants' attorney Jim Jackson via email.



Brent P. Gasper

Thank you Kathryn.

Brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, October 3, 2023 4:47 PM
To: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: SPECIAL HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Jim and Brent, please see attached hearing letter and Zoom invitation.

Thanks,
 Kathryn

From: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Sent: Monday, October 2, 2023 3:47 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; jim@jimjacksonatty.com; Martha Cox <mcox@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: CC # 230641

Please find attached Respondent's Motion for Enlargement of Time. 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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1:28

LTE

Photo

Done



Jackson Jim

4/7/23

To: Wilkerson Jennifer >

Jennifer,
 I hope you are doing well.
 I just left a voicemail.
 I have filed a claim against the Department of Human Services with the Arkansas Claims Commission for the accident.
 The attorney for DHS is claiming that Ms. Ashcraft was the cause of the wreck.
 We all know that this was an accident and it could have happened to anyone.
 But is there anything you are aware of that Ms. Ashcraft did to cause the wreck?
 It appears that she was attempting to make a left hand turn to drop off her nephew when the accident happened.
 Did you see or observe anything that is different from what the Trooper found?
 Thank you,
 Jim



Jim Jackson
 Jackson Law Firm
JimJacksonAtty.com

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



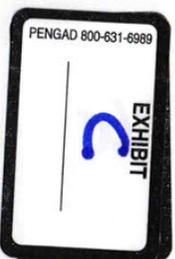


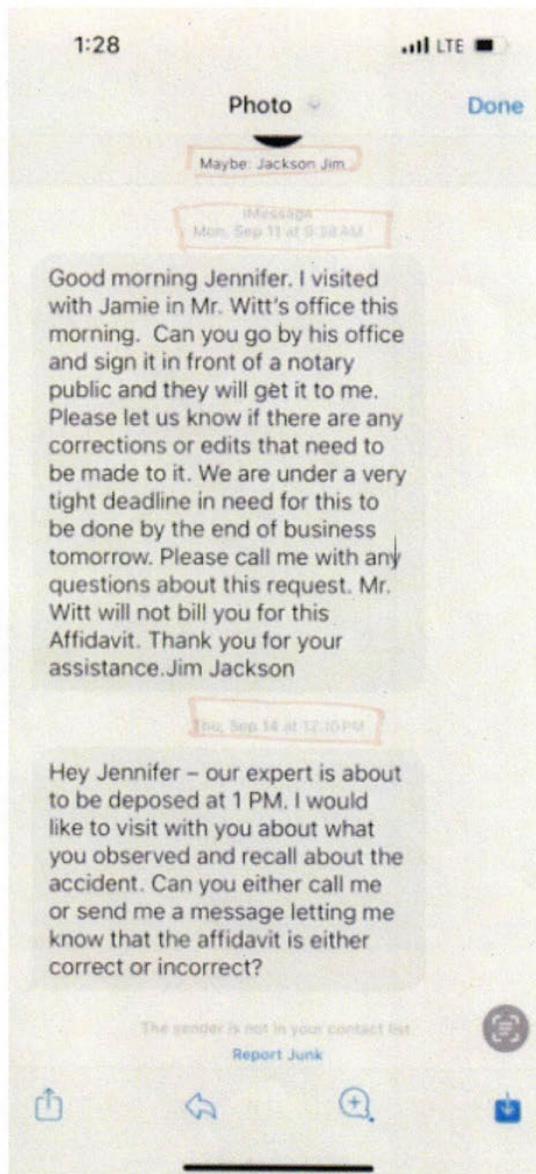
Jennifer,
 I hate to bother you about the affidavit but it is something that has to be addressed.
 Have you reviewed the Affidavit to see if it is correct?
 If so, can you please either sign it in front of a Notary Public and mail it back to my office or let me know what corrections/additions you would like to make.
 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





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Nicknames Numbers

Nickname a number [Manage Nickname](#)

DATE & TIME ↑

CONTACT

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07/26/2023 10:05:20 AM

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07/26/2023 05:24:21 AM

07/25/2023 10:58:42 PM

From: [Unser, Kyle T.](#)
To: [Brent Gasper](#); [Kathryn Irby](#)
Cc: [Newton, Ivy L.](#)
Subject: RE: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23
Date: Monday, November 6, 2023 1:26:46 PM

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

Perfect. Thank you Brent. I'm around today and tomorrow and happy to discuss at your convenience.

Kyle T. Unser

Partner

Kutak Rock LLP

5111 W. J.B. Hunt Dr., Suite 300

kyle.unser@kutakrock.com

p: 479-250-9675 m: 479-957-8328

Support provided by

Ivy Newton | Paralegal | p: 479-973-4200 | ivy.newton@kutakrock.com

From: Brent Gasper <brent.gasper@dhs.arkansas.gov>

Sent: Monday, November 6, 2023 1:15 PM

To: Unser, Kyle T. <Kyle.Unser@KutakRock.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>

Cc: Newton, Ivy L. <Ivy.Newton@KutakRock.com>

Subject: RE: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23

[CAUTION - EXTERNAL SENDER]

Sorry for the wrong number Kyle. I'm in a hearing right now but can call after. I have no objection at all to giving more time to respond. No need to file a motion to quash yet. I'm sure Kyle and I can work it out.

Kyle, my direct line is 501-320-8950.

Brent

Cc: Kathryn Irby

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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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: Unser, Kyle T. <Kyle.Unser@KutakRock.com>
Sent: Monday, November 6, 2023 1:10 PM
To: Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Newton, Ivy L. <Ivy.Newton@KutakRock.com>
Subject: FW: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23

[EXTERNAL SENDER]

Ms. Irby:

I wasn't able to reach Mr. Gasper. It's only been a few minutes, but I am concerned that Mercy was served early enough last week that their deadline to respond to this subpoena is today. Can you please provide the address to which I should email a motion to quash the subpoena? I'm going to send it today out of an abundance of caution.

Brent, happy to work with you on the subpoena at your convenience.

Kyle T. Unser

Partner

Kutak Rock LLP

5111 W. J.B. Hunt Dr., Suite 300

kyle.unser@kutakrock.com

p: 479-250-9675 m: 479-957-8328

Support provided by

Ivy Newton | Paralegal | p: 479-973-4200 | ivy.newton@kutakrock.com

From: Unser, Kyle T.

Sent: Monday, November 6, 2023 1:02 PM

To: brent.gasper@dhs.arkansas.gov

Cc: Newton, Ivy L. <Ivy.Newton@KutakRock.com>

Subject: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23

Brent:

I tried to call the phone number listed on your letterhead but it's telling me it's not a working number. Do you have a minute to discuss?

The subpoena requests that Mercy identify every employee who held a license for the past five years and their phone numbers and addresses. I think that's a pretty healthy list. Mercy has asked me to file a motion to quash the subpoena but is there a more targeted way to get you the information you're after?

Kyle

Kyle T. Unser

Partner

Kutak Rock LLP

5111 W. J.B. Hunt Dr., Suite 300

kyle.unser@kutakrock.com

p: 479-250-9675 **m:** 479-957-8328

Support provided by

Ivy Newton | Paralegal | **p:** 479-973-4200 | ivy.newton@kutakrock.com

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Thank you.

From: [Kathryn Irby](#)
To: [Unser, Kyle T.](#)
Cc: [Brent Gasper](#); [Newton, Ivy L.](#)
Subject: RE: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23
Date: Monday, November 6, 2023 2:11:00 PM

Kyle, based upon the emails between you and Brent, it sounds like you've won't need to file the motion referenced in your email. That said, to answer your question, the Commission's electronic filing email is ascpleadings@arkansas.gov.

Thanks,
Kathryn

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

From: Unser, Kyle T. <Kyle.Unser@KutakRock.com>
Sent: Monday, November 6, 2023 1:10 PM
To: Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Newton, Ivy L. <Ivy.Newton@KutakRock.com>
Subject: FW: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23

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

Ms. Irby:

I wasn't able to reach Mr. Gasper. It's only been a few minutes, but I am concerned that Mercy was served early enough last week that their deadline to respond to this subpoena is today. Can you please provide the address to which I should email a motion to quash the subpoena? I'm going to send it today out of an abundance of caution.

Brent, happy to work with you on the subpoena at your convenience.

Kyle T. Unser

Partner

Kutak Rock LLP

5111 W. J.B. Hunt Dr., Suite 300

kyle.unser@kutakrock.com

p: 479-250-9675 m: 479-957-8328

Support provided by

Ivy Newton | Paralegal | p: 479-973-4200 | ivy.newton@kutakrock.com

From: Unser, Kyle T.

Sent: Monday, November 6, 2023 1:02 PM

To: brent.gasper@dhs.arkansas.gov

Cc: Newton, Ivy L. <Ivy.Newton@KutakRock.com>

Subject: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23

Brent:

I tried to call the phone number listed on your letterhead but it's telling me it's not a working number. Do you have a minute to discuss?

The subpoena requests that Mercy identify every employee who held a license for the past five years and their phone numbers and addresses. I think that's a pretty healthy list. Mercy has asked me to file a motion to quash the subpoena but is there a more targeted way to get you the information you're after?

Kyle

Kyle T. Unser

Partner

Kutak Rock LLP

5111 W. J.B. Hunt Dr., Suite 300

kyle.unser@kutakrock.com

p: 479-250-9675 m: 479-957-8328

Support provided by

Ivy Newton | Paralegal | p: 479-973-4200 | ivy.newton@kutakrock.com

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Thank you.

From: [Martha Cox](#)
To: [ASCC Pleadings; Kathryn Irby](#)
Cc: [Brent Gasper; Daiquiri Carter; Jim Jackson](#)
Subject: Haley Hudson, etc. v. Arkansas DHS; Arkansas State Claims Commission No. 230641; Incident Date: 6/11/2021
Date: Monday, November 13, 2023 3:38:10 PM
Attachments: [Claimant's Response to the Respondent's Motion to Compel Exhibits 1-8.pdf](#)
[Claimant's Response to the Respondent's Motion to Compel.pdf](#)
[Letter to Kathryn Irby re: Claimant's Response to motion to compel 11-13-2023.pdf](#)

Ms. Irby, please find attached a letter from Attorney Jim Jackson with the claimant's Response to the respondent's Motion to Compel and exhibits for filing in the above-referenced claim.

Three copies of the claimant's Response to Motion to Compel with exhibits are being mailed to you.

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



November 13, 2023

VIA EMAIL & 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 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 Kathryn:

Please find enclosed an original and two copies of the Claimant's Response to Motion to Compel that is being delivered via US Mail. A PDF copy of the Response is filed online and a copy of the PDF being sent to Brent Gasper, counsel for DHS, at the time of the electronic filing.

Please call me at (501) 823-3610 with any questions or suggestions.

Sincerely,

Jim R. Jackson

✓ JRJ/mc
Enclosure
cc:w/enc. Brent Gasper, Esq.

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 AS PERMANENT LEGAL
GUARDIAN OF [REDACTED] MINOR
CHILD

CLAIMANT

VS.

CC NO. 230641

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

RESPONDENT

CLAIMANT'S RESPONSE TO MOTION TO COMPEL

It is categorically false that counsel withheld contact information for Jennifer Wilkerson. The primary thrust of the Motion to Compel is that DHS has been placed at a disadvantage because the claimant's counsel withheld the name and contact information for eyewitness Jennifer Wilkerson in violation of Rule 26 of the Arkansas Rules of Civil Procedure. DHS' Motion would lead one to think it only learned of Jennifer Wilkerson's identity and location during her deposition on October 20, 2023.

Nothing could be further from the truth! The claimant's counsel obtained the address and telephone number of Jennifer Wilkerson *from DHS' Answers to Interrogatories* and the State Trooper's accident report. Yes, the Commission is reading this correctly. DHS provided the claimant with the name, address, and cell phone number of Jennifer Wilkerson in a pleading filed with this Commission nearly a year ago. DHS provided the claimant with the *name, address, and cell phone number* of Jennifer Wilkerson in its initial response to Interrogatories and Requests for Production of Documents, which were filed with this Commission on January 10, 2023. DHS listed Ms. Wilkerson's address as [REDACTED]

[REDACTED] Last known phone [REDACTED] Attached as Exhibit 1 are the

first two pages of DHS' answers to discovery served on January 10, 2023. This was three months **before** the claimant's answer to discovery was filed on April 4, 2023. This is the same answer that DHS alleges was inadequate in revealing the location of Jennifer Wilkerson.

As background information, Jennifer Wilkerson was a DHS employee who was driving a DHS car at the time of the wreck. Wilkerson was tasked to drive from Paris to Beebe to pick up a foster child and bring the child to Clarksville for a family visit. Wilkerson lives at the same address in Paris, Arkansas, as she did when she was employed by DHS. There is no evidence that Wilkerson has ever moved to any other address since the wreck occurred.

The respondent cannot assert a good faith argument that its Motion to Compel is not frivolous or filed to cause unnecessary delay or needlessly increase the cost of litigation. How can DHS claim that the location of Ms. Wilkerson's whereabouts had been withheld by the claimant when the claimant received the address and cell phone number from DHS in January? The claimant learned of Ms. Wilkerson's address and mobile phone number *from the respondent's answers* to Interrogatories. Wilkerson's address was corroborated in the State Trooper's crash report. Ms. Wilkerson confirmed during her deposition that she still resides at [REDACTED] Wilkerson's mobile phone number is still the same as contained in DHS' answers to discovery.

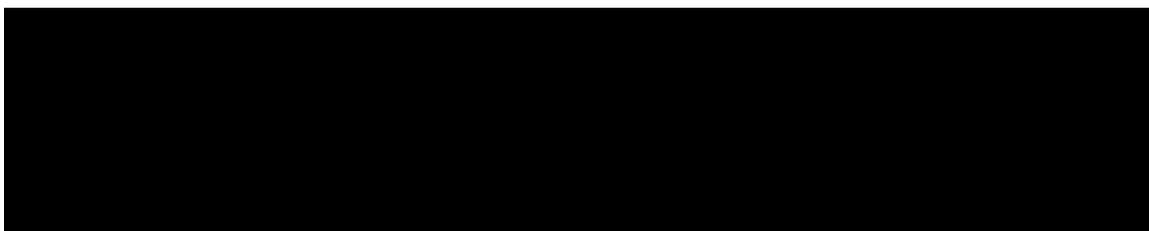
DHS argues that if "Claimant's counsel honored his obligation to supplement discovery by providing Jennifer Wilkerson's contact information to respondent when he should have- much earlier in these proceedings and not through an inadvertent revealed that Ms. Wilkerson's deposition-Respondent would likely have had ample time to investigate this claim instead of fighting a premature motion for summary judgment." This is a nonsensical argument. Jennifer Wilkerson's address and telephone number were in the respondent's Answers to Interrogatories. Furthermore, Jennifer Wilkerson's address was in the Trooper's Crash Report.

Jennifer Wilkerson has been constant in her lack of knowledge as to what happened to cause a wreck in which she drove nearly straight into the rearend of Ashcraft's car. Jennifer Wilkerson provided a written statement to DHS the week after the wreck. Kristen Shelton, a DHS Program Administrator, administered 10 written questions to Ms. Wilkerson as part of her formal Fact-Finding Investigation. Question #5 asked:

"While you were driving, what happened to cause the accident?"

"I remember seeing a car up ahead but no break (sic) lights or signal lights.

That's all I remember until I came to."



Attached as Exhibit 2 are the respondent's Response to Requests for Production of Documents, Bates stamped 417 – 426, which contain the information DHS gathered about Jennifer Wilkerson's crash immediately after the wreck as part of its formal Fact-Finding Investigation.

Claimant filed her Motion for Partial Summary Judgment on the Issue of Liability based, among other things, upon the information Jennifer Wilkerson provided DHS the week after the wreck. In a nutshell, Wilkerson was an hour behind schedule to pick up a foster child in Beebe, and she was driving east on Highway 22 at a high rate of speed. Wilkerson did not see the oversized tractor-trailer rig or escort vehicle until after the wreck occurred. Wilkerson did not see Ashcraft's vehicle, which had slowed to allow the oversized load to pass before attempting a left-hand turn. Wilkerson had no idea what happened to cause her to drive into the rear end of Ashcraft's car at a high rate of speed just a few miles outside of Paris. DHS rightfully terminated Wilkerson at the conclusion of its fact-finding

investigation. This evidence, along with the other evidence contained in the claimant’s Motion for Partial Summary Judgment, presents DHS with a very difficult burden of proving that anyone other than Wilkerson was at fault in causing a wreck that demolished two passenger cars and led to the death of Jacqueline Ashcraft from an acute brain hemorrhage.

The claimant decided to depose Jennifer Wilkerson even though the information contained in DHS’ “Fact-Finding” investigation meets the burden of proof that DHS was solely at fault. The claimant asked Director Irby to issue a Subpoena for Ms. Wilkerson and used the address of: [REDACTED]

The Logan County Sheriff’s Department served Jennifer Wilkerson with the subpoena at: [REDACTED] (Attached as Exhibit 3 is the Process of Service form completed by the Logan County Deputy). There can be no confusion by DHS as to the whereabouts of Jennifer Wilkerson.

If DHS was confused about how to locate Jennifer Wilkerson, it could have referenced State Trooper James Ray’s Crash Report [REDACTED] which is a public document. Trooper Ray’s report of June 11, 2021, lists the address of Jennifer Wilkerson as [REDACTED]. This is the same address that DHS provided on January 10, 2023.

DRIVER INFORMATION					
Name <input type="checkbox"/> Unknown			Date of Birth/Age	Sex <input type="checkbox"/> Male	
WILKERSON	JENNIFER	LEANN	[REDACTED]	<input checked="" type="checkbox"/> Female	
<small>Last</small>	<small>First</small>	<small>Middle</small>	<small>Suffix</small>	<input type="checkbox"/> Unknown	
Address <input type="checkbox"/> Unknown					
[REDACTED]					
<small>Street</small>	<small>City</small>	<small>State</small>	<small>Postal Code</small>		
DRIVER LICENSE INFORMATION					
License Status	100	License Number	Restrictions on License <small>Check all that apply.</small>		Restrictions Viol.
000 Not licensed		916290378	<input checked="" type="checkbox"/> 000 None		<input checked="" type="checkbox"/> 000 None
100 Valid license		License State	<input type="checkbox"/> 100 With licensed adult		<input type="checkbox"/> 100 With licensed
200 Suspended		AR	<input type="checkbox"/> 100 With licensed		<input type="checkbox"/> 100 With licensed
201 Revoked		License Class	<input type="checkbox"/> 100 With licensed		<input type="checkbox"/> 100 With licensed
202		D	<input type="checkbox"/> 100 With licensed		<input type="checkbox"/> 100 With licensed

Trooper Ray's Crash Report containing the "Driver Information" for Jennifer Wilkerson was attached as an exhibit to his deposition on February 21, 2023. This fact alone points out how easy it would be for the respondent to locate Wilkerson.

There is no legitimate argument that the respondent can make that it could not locate Jennifer Wilkerson. Attached as Exhibit 4 is a copy of the e-mails sent by Jennifer Wilkerson in response to a letter mailed to her address at [REDACTED]. Nothing prevented DHS from sending a letter to Wilkerson. Accordingly, the accusation that claimant withheld the "whereabouts" of the respondent's former employee in this case is devoid of merit and likely frivolous within the meaning of Rule 11 of the Arkansas Rules of Civil Procedure.

Rule 26(b)(1) of the Arkansas Rules of Civil Procedure lists the scope of discovery that a party is required to disclose. The relevant portion of this subsection is: "the identity and location of persons who have knowledge of any discoverable matter or who will or may be called as a witness at the trial of any cause." The claimant's response was clearly correct. DHS did have Jennifer Wilkerson's identity and location. Any assertion that e-mail addresses, TikTok handles, *etc.*, are required to be disclosed is an incorrect argument of law. That is beyond the scope of discovery.

The identity, location, and cell phone number of DHS employee Jennifer Wilkerson were known by DHS since prior to the wreck occurred.

WHAT IS THE POINT OF THE RESPONDENT'S MOTION TO COMPEL?

At this point, the Commission must be wondering, what is the point of DHS' Motion to Compel? After all, the agency had Jennifer Wilkerson's address and cell phone number since she was their employee. Wilkerson returned to work the week after the wreck to provide DHS with her version of what happened. Paris is a very small town. DHS could have served Wilkerson with a Subpoena to conduct her deposition at any point in this litigation.

Why didn't DHS ask its former employee to drop by the DHS office in Paris and visit with counsel? Why didn't DHS write or call Ms. Wilkerson to ask her questions about the wreck?

The answer is obvious. DHS does not want to address the claimant's Motion for Partial Summary Judgment on Liability. The respondent's counsel has sent multiple e-mails attempting to cajole claimant's counsel into withdrawing the Motion for Partial Summary Judgment on Liability. *See, e.g.*, Exhibit 5, where counsel for respondent writes: "I may reconsider those motions for sanctions should the motion for summary judgment be withdrawn." It is alarming that DHS would employ such a "win-at-all-costs" strategy against the family of a deceased Arkansas citizen who perished in a traffic accident caused by a DHS employee. DHS *knows* there is a mountain of evidence that Jennifer Wilkerson was driving at a high rate of speed, not paying attention to traffic, and was running an hour late to pick up a foster child in Beebe when she drove directly into the rear end of Ashcraft's car on a straight stretch of Highway 22.

DHS' own expert, Michael Kerley, found that Jennifer Wilkerson was at fault in causing the wreck. Mr. Kerley testified that if he were the investigating State Trooper, he would have issued a traffic citation to Jennifer Wilkerson.

Q. And I certainly do not want to start saying he assigned fault when that's kind of what we are litigating here. But I just want to try to - - I'm using that as a - as just kind of a starting point to ask you the question, is there enough in that police report to assign fault in this - - in this case? If you were an officer - - I know that officers are not going to have the benefit of all of this that you've done.

A. If I were just a road officer, yes, I would have issued a citation to Ms. Wilkerson.

Deposition of Michael Kerley, pp. 100-101, lines 20 - 5.

Mr. Kerley did not challenge the claimant's expert's speed calculations, which found that Jennifer Wilkerson was traveling in a range from 66.7 to 74.3 mph in a 55-mph zone at the time of the collision.

To summarize, the respondent does not want this Commission to decide the issue of liability on the merits of the evidence.

DEFAMATION OF JACQUELINE ASHCRAFT

DHS was not content with trying to allege that claimant's counsel did something underhanded by allegedly withholding the contact information of Jennifer Wilkerson. DHS' motion astonishingly attacks Jacqueline Ashcraft by alleging that she "*might have used an alias*" in seeking medical treatment prior to the wreck!

DHS is asking this Commission to believe that Ms. Ashcraft was so clairvoyant to foresee that she was going to be in a fatal rear-end collision caused by Jennifer Wilkerson that Ashcraft began using an "alias" to prevent DHS from finding her medical records. This allegation would constitute actionable defamation of character if Ms. Ashcraft had survived the wreck. Not only is the allegation slanderous, but it is also preposterous because it suggests that a doctor's clinic or emergency room would not discover such deceit.

Furthermore, DHS deliberately misrepresents the testimony of Haley Hudson [REDACTED] [REDACTED] in its Motion to Compel. "Likewise, Claimants have pleaded and subsequently testified under oath that at the time of her death, Ms. Ashcraft was not being seen by any medical professional and did not suffer from any condition that would have caused her injuries. Jennifer Wilkerson's testimony now casts a dark shadow over these claims."

The truth is that Haley, [REDACTED] each testified that they had no knowledge of their mother seeking medical treatment since she had moved from Wynne to Paris.

Attached as Exhibit 6 are pages 20-25 of [REDACTED] deposition; attached as Exhibit 7 are pages 19 – 24 of [REDACTED] deposition; and attached as Exhibit 8 are pages 53-63 of Haley Hudson's deposition. No reasonable reading of these deposition transcripts would lead anyone to conclude anything other than these three children had no knowledge of their 50-year-old mother seeking medical treatment since her move from Wynne to Paris. A lack of knowledge of their mother's medical treatment is not the same as denying that their mother had medical treatment. Again, this is a DHS distraction in an attempt to prevent the Commission from hearing a legitimately drafted Motion for Partial Summary Judgment on the Issue of Liability.

CONCLUSION

The best and kindest characterization is that DHS' Motion to Compel feigns outrage and indignation that the claimant did not provide the identity and location of DHS employee Jennifer Wilkerson. The Commission can look no further for this melodrama than the motion itself where DHS alleges that the failure to provide the whereabouts of Jennifer Wilkerson *"has substantially prejudiced Respondent and potentially damages its case. It certainly has upended Respondent's investigation into the matter, compromised its trial strategy and preparation, and altered its approach to the case. The compressed and unreasonable timeframe under which Respondent has been required to act resulting from Claimants' counsel's bad faith has cost Respondent and its counsel time, effort, and money that it would not have had to expend had Claimant's counsel fairly proceeded under the rules."*

This must be the most preposterous allegation ever raised by counsel, who originally provided the claimant with the name, address, and cell phone number of Jennifer Wilkerson, along with the DHS' own investigative "Fact Finding" of Jennifer Wilkerson's conduct the week after the wreck. The result of DHS' "Fact Finding" investigation clearly found that Jennifer Wilkerson is solely liable for the wreck.

This allegation contained in the Motion to Compel is nonsensical at best. At worst, it shows that the respondent is grasping at straws in an effort to postpone the inevitable finding that the respondent is the sole and proximate cause of the collision that led to Jacqueline Ashcraft's death.

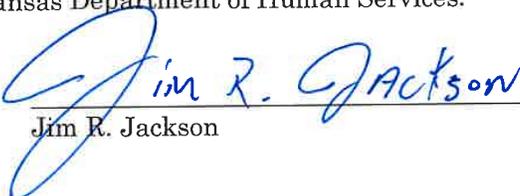
Respectfully submitted,

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

By:  _____
Jim R. Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, certify that on this date, November 13, 2023, consistent with the requirements of Ark. R. Civ. P. 5, a complete copy of the foregoing was electronically submitted to the Clerk of the Arkansas Claims Commission and electronically served on Brent Gasper, *Esq.*, counsel for the Arkansas Department of Human Services.

 _____
Jim R. Jackson

**CLAIMANT'S RESPONSE TO
MOTION TO COMPEL**

ARKANSAS CLAIMS COMMISSION #230641

EXHIBIT 1

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] MINOR CHILDREN

CLAIMANT

v.

CC NO. 230641

ARKANSAS DEPARTMENT OF
HEALTH AND HUMAN SERVICES

RESPONDENT

**RESPONDENT'S RESPONSE TO CLAIMANT'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS**

COMES NOW, the Respondent, the State of Arkansas, Department of Human Services ("DHS"), Office of Chief Counsel, by its attorneys, Brent P. Gasper, Assistant Deputy Chief Counsel, and Sarah DeBusk, General Counsel, and for its Responses to Claimant's First Set of Interrogatories and for Production of Documents, states:

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").

ANSWER: This claim is still being investigated and persons with knowledge are still being ascertained. Respondent will update and supplement this response when this information becomes available. At this point, Respondent can state that the following persons have information regarding the accident:



1. Jennifer Wilkerson, [REDACTED] Last known phone [REDACTED]
2. Kristen Shelton, Office phone 479 647-7171, Office address is 900 Rogers Ave., Clarksville, AR 72830.
3. Brandy Ezell, Office phone 479 963-2783, Office address, #17 W. McKeen St., Paris, AR 72855
4. Pam Feemster, Office phone 479 963-2783, Office address, #17 W. McKeen St., Paris, AR 72855
5. James Ray, Game and Fish Commission, james.ray@agfc.ar.gov
6. Bobby Dale Wilson, GKD Management, [REDACTED]

INTERROGATORY NO. 2: Please state the names and complete present or last known addresses and telephone numbers of all persons who will or may be called as witnesses on your behalf at the trial of this lawsuit.

ANSWER: This claim is still being investigated and this information is still being ascertained. Further, Respondent has not ascertained which, if any, persons will be called at the trial of this matter. Respondent will update and supplement this response when this information becomes available.

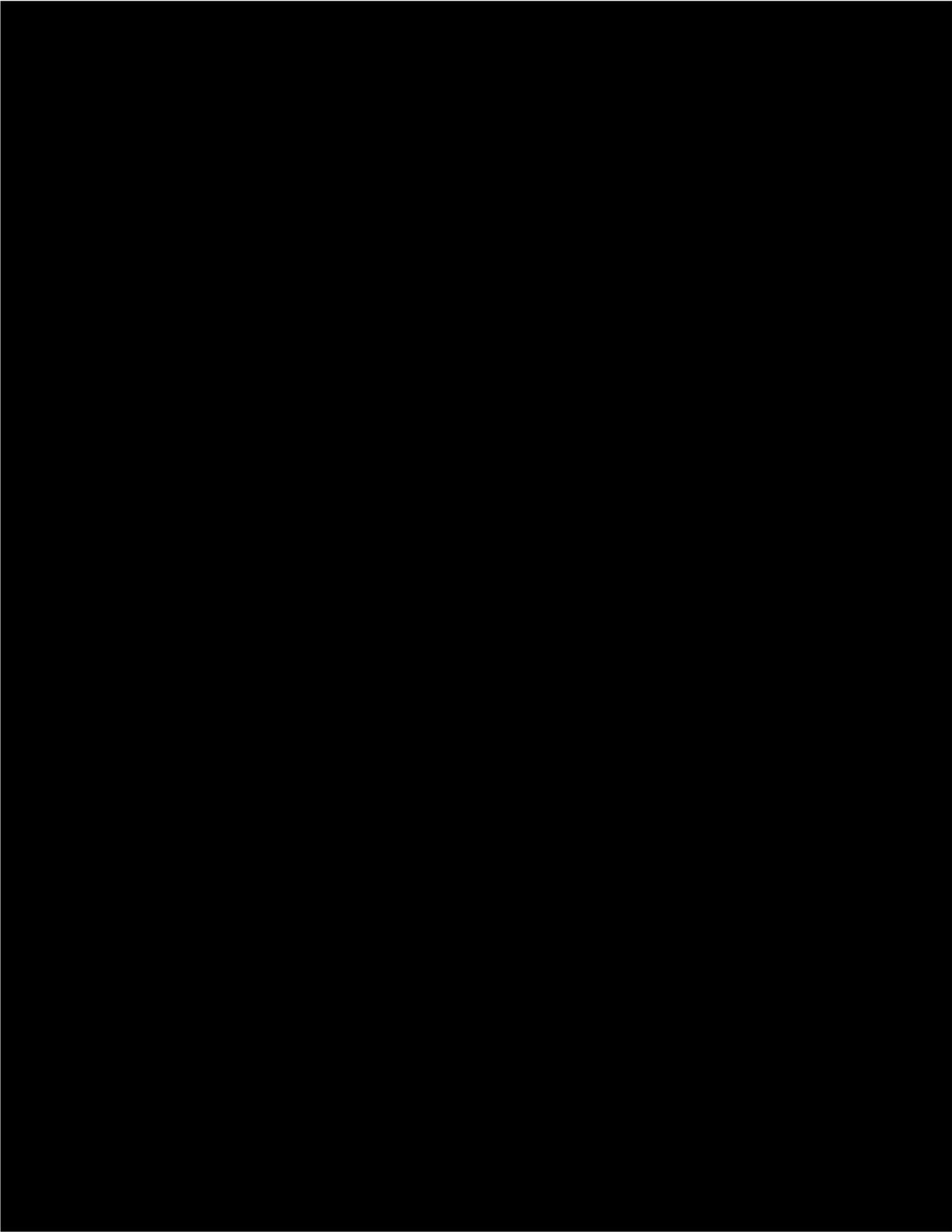
INTERROGATORY NO. 3: Please state briefly the facts or the nature of the subject matter known to each of the persons listed in response to Interrogatory Nos. 1 and 2 above.

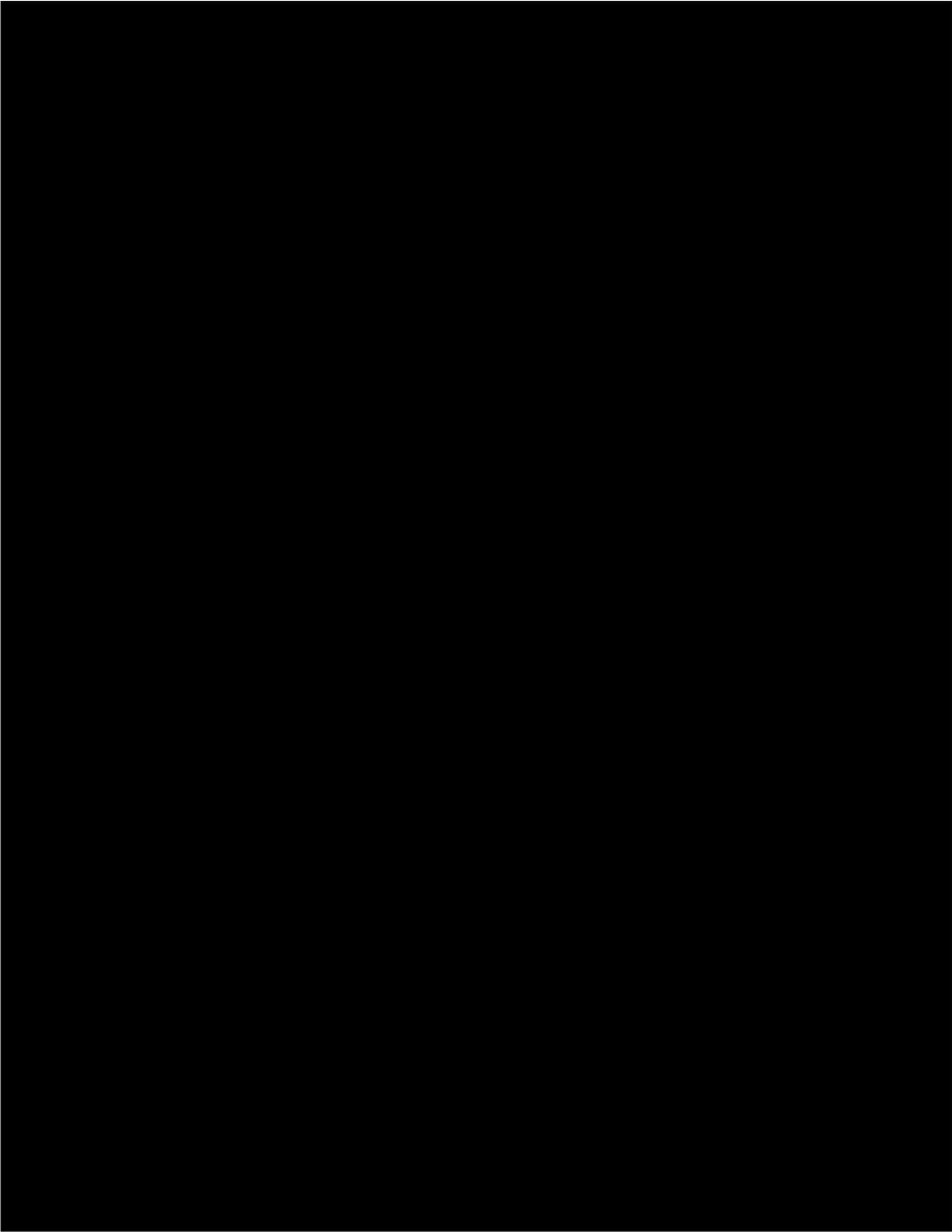
ANSWER: Please see responses to Interrogatories Nos 1 and 2. Respondent would at this point state that Jennifer Wilkerson stated she was driving the DHS vehicle and that Bobby Dale Wilson was the driver of the truck that was also involved in the accident. Further, James Ray was at the time an Arkansas State Trooper who responded to and investigated the accident. Kristen Shelton was at the time a DHS employee that investigated the accident and the

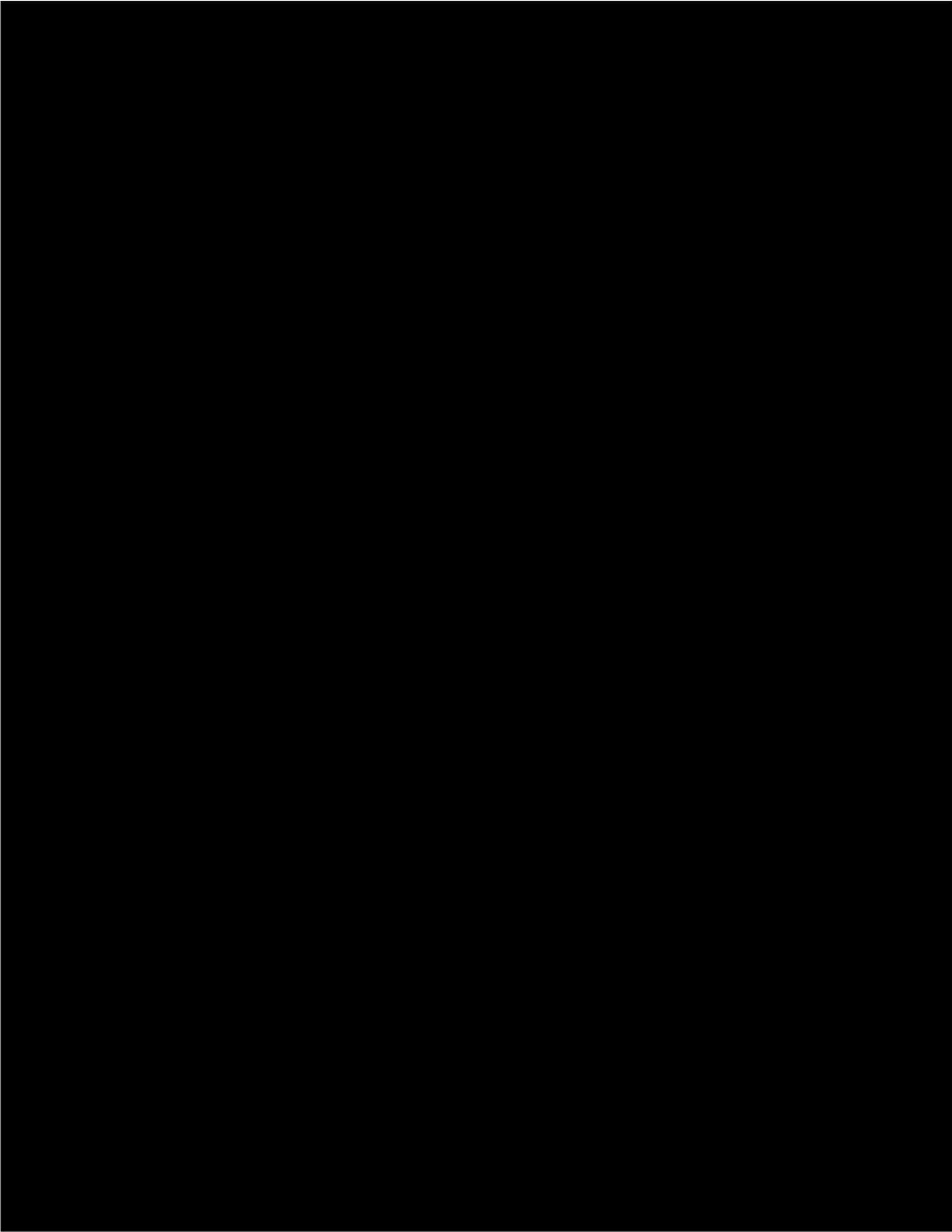
CLAIMANT'S RESPONSE TO
MOTION TO COMPEL

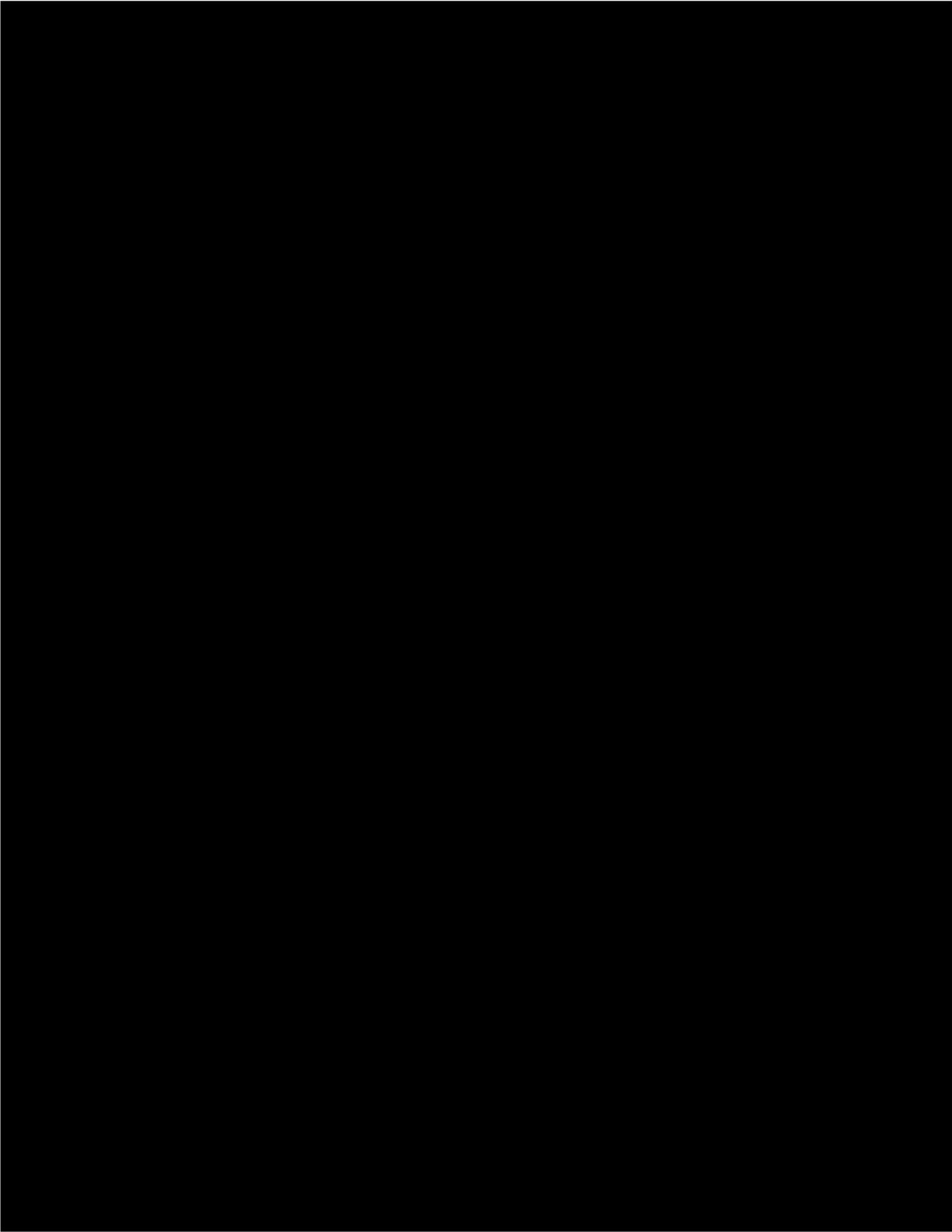
ARKANSAS CLAIMS COMMISSION #230641

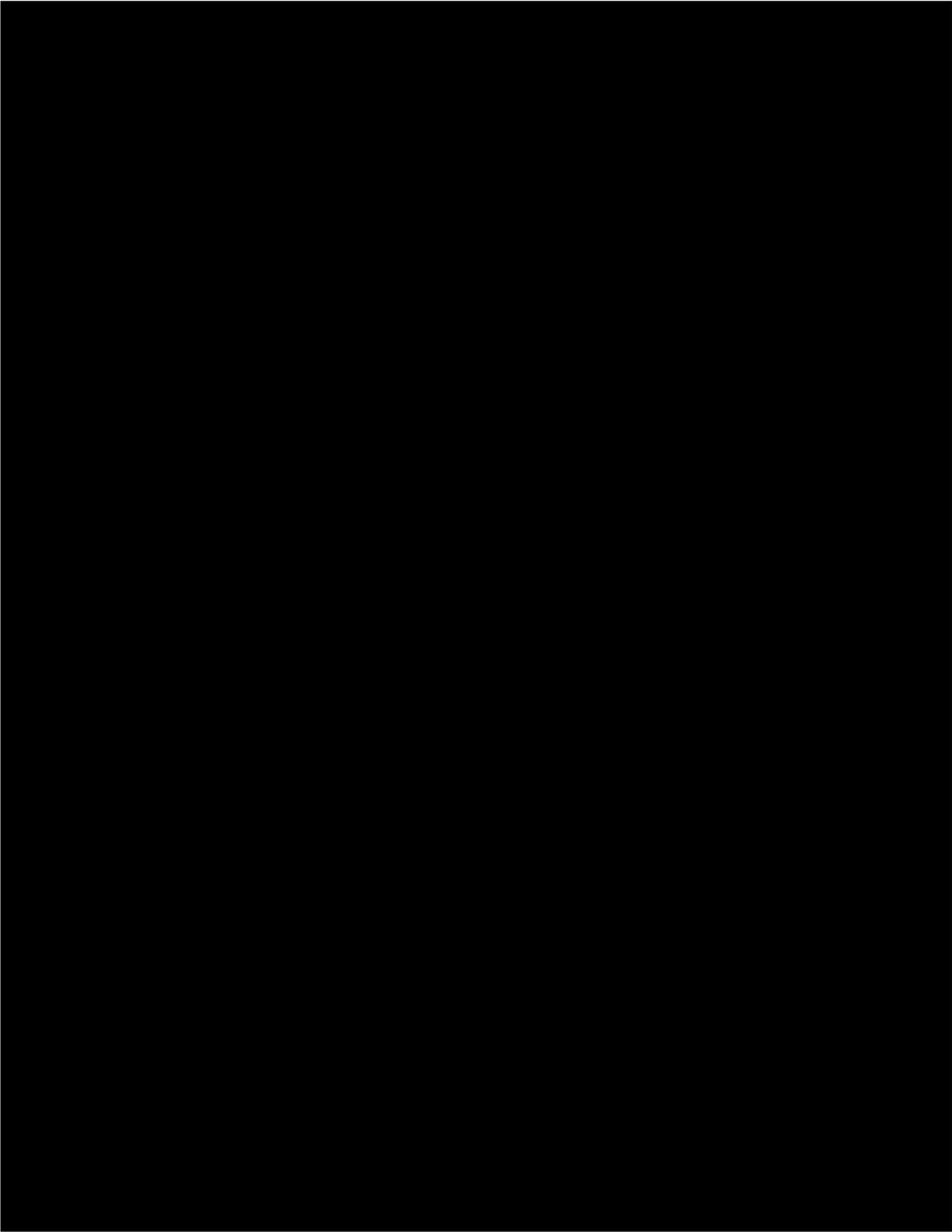
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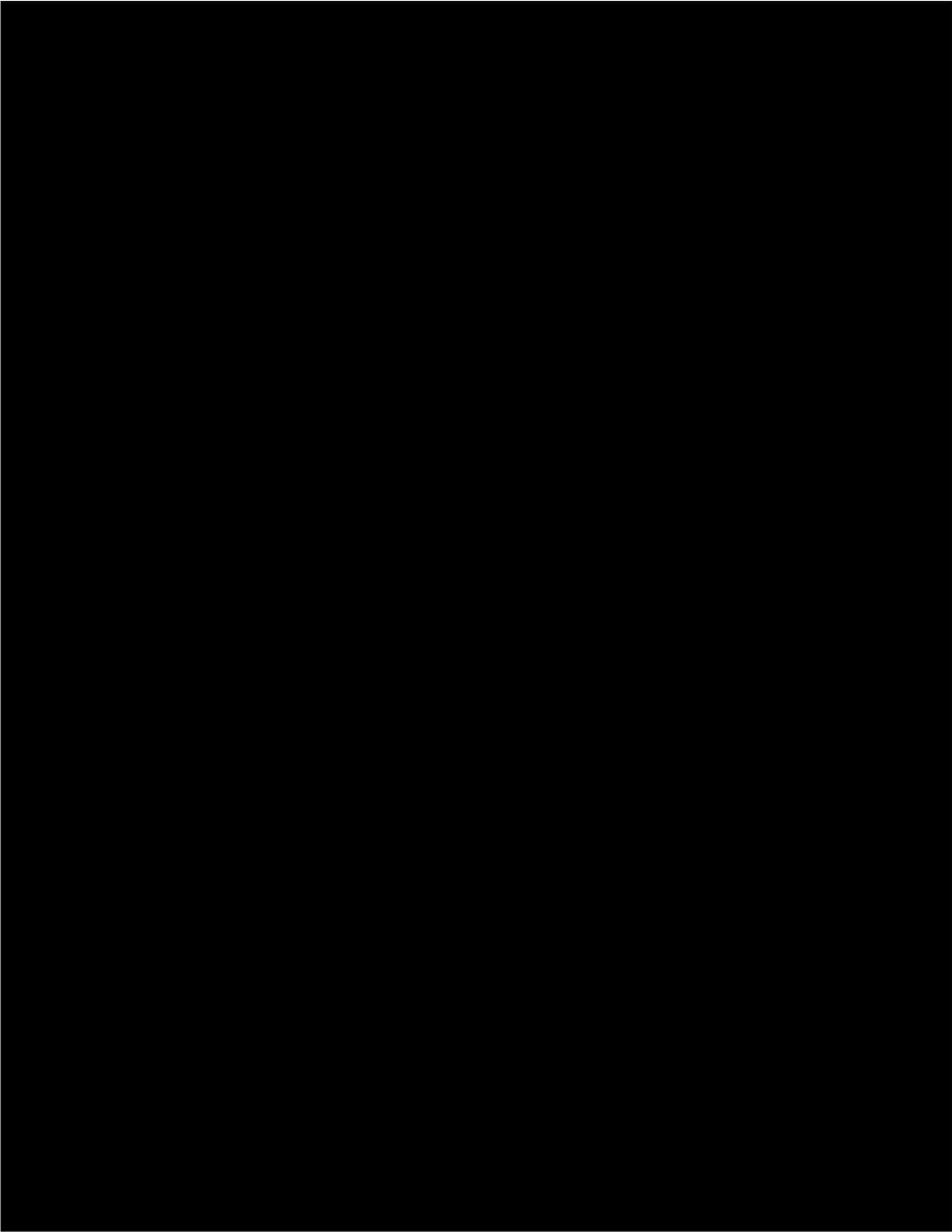


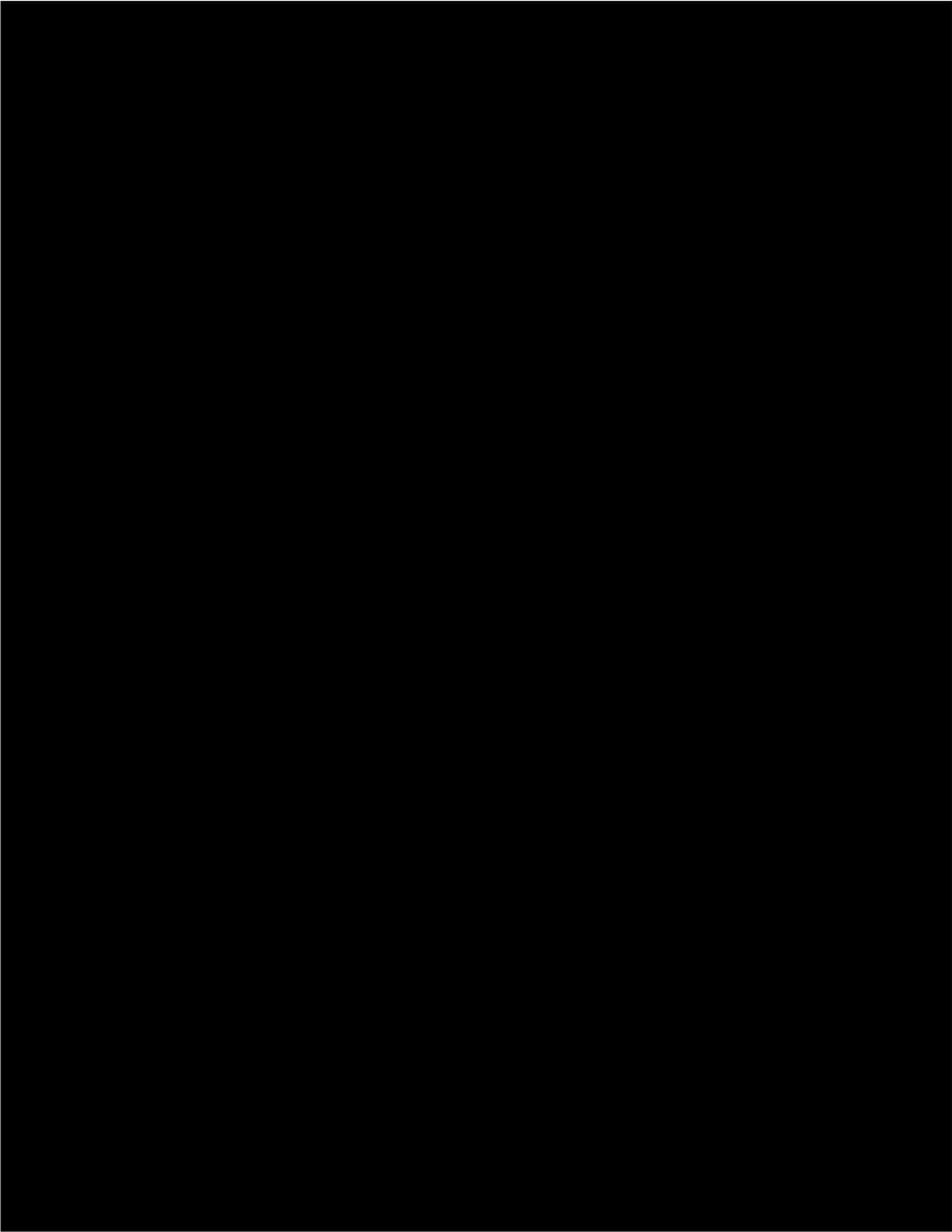


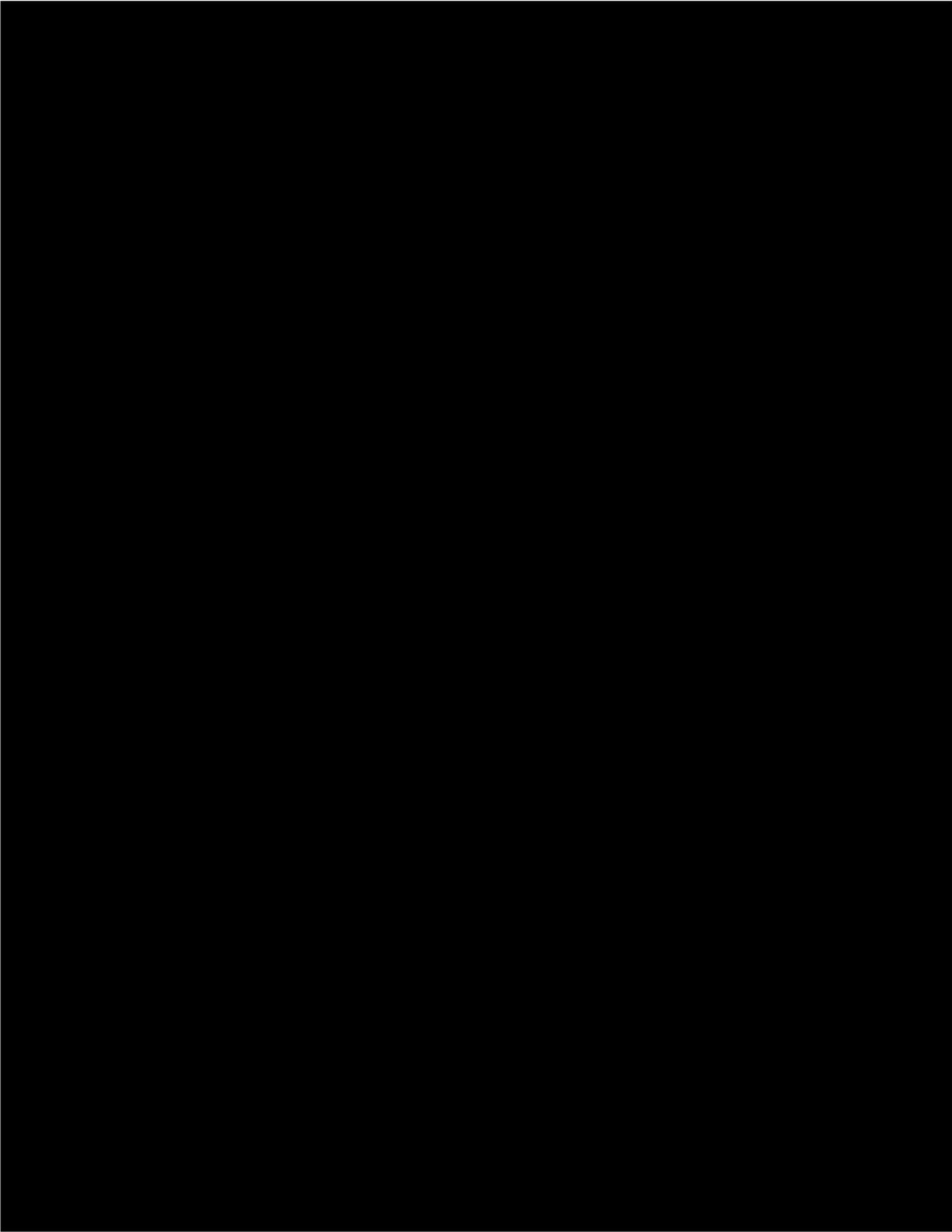


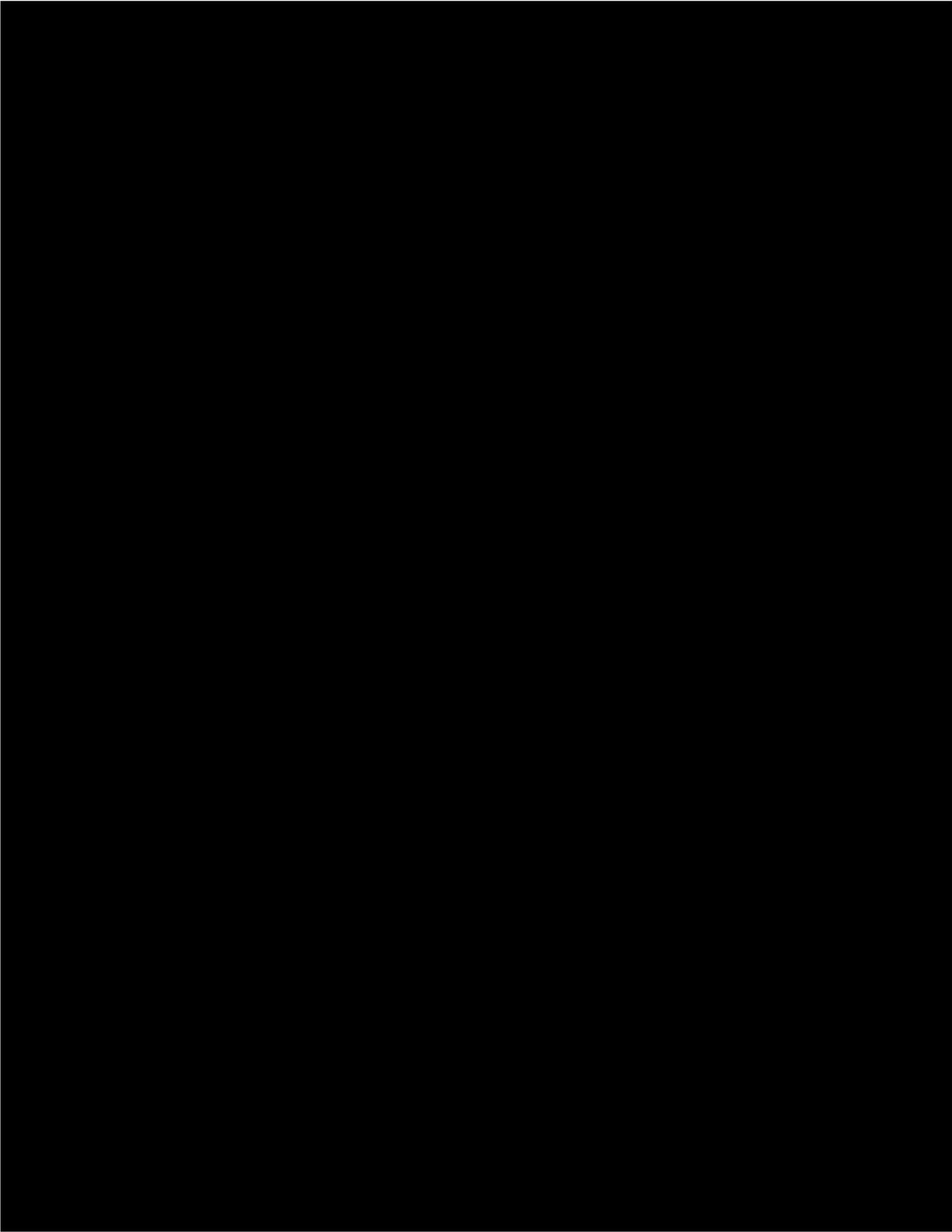


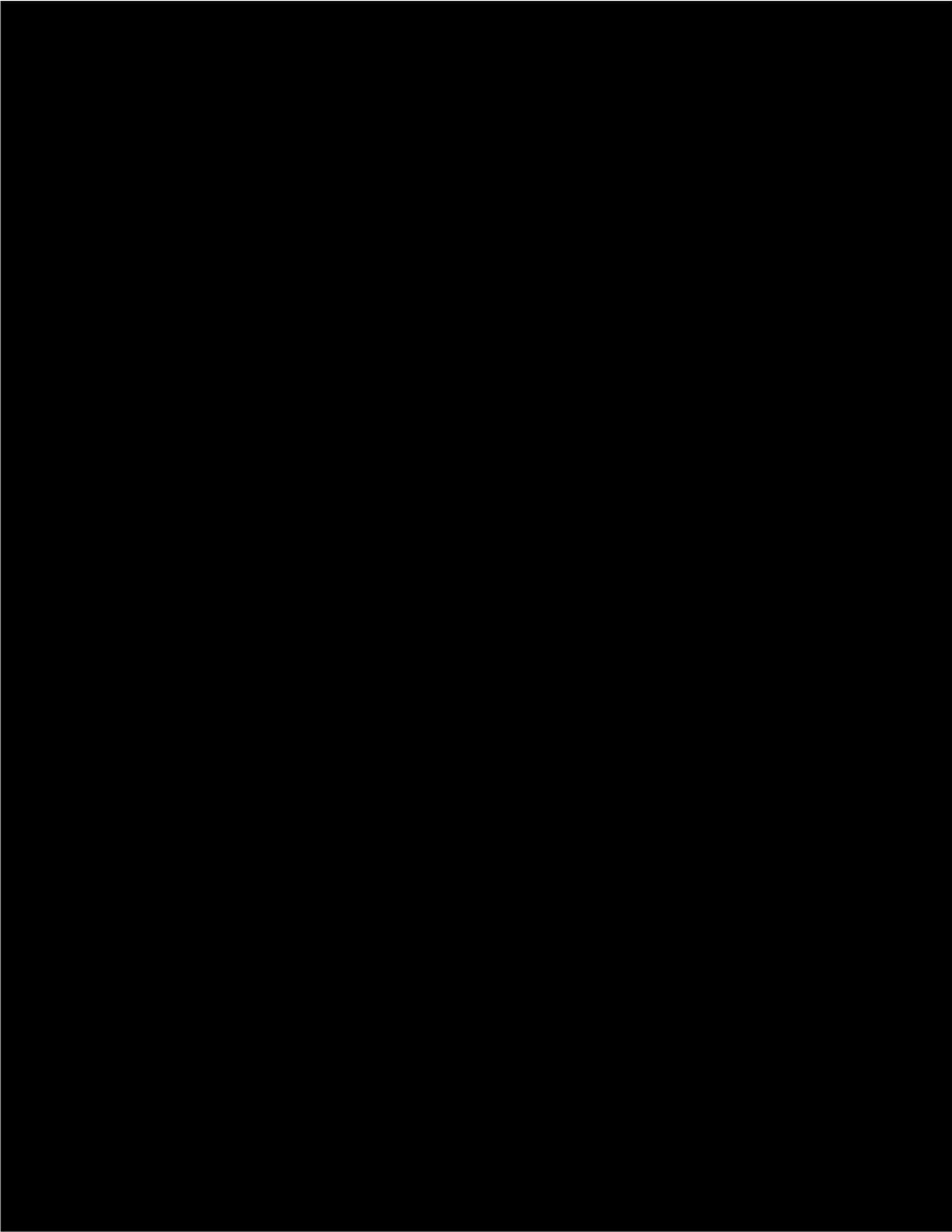












CLAIMANT'S RESPONSE TO
MOTION TO COMPEL

ARKANSAS CLAIMS COMMISSION #230641

EXHIBIT 3

PROOF OF SERVICE

Jennifer Wilkinson

SERVED ON (Print Name)

10/16/23

DATE



Personal Service

MANNER OF SERVICE

Charlie M. Edmonson

SERVED BY (Print Name)

Deputy LC/4

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

10/16/23

DATE

Charlie M. Edmonson

SIGNATURE 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).



CLAIMANT'S RESPONSE TO
MOTION TO COMPEL

ARKANSAS CLAIMS COMMISSION #230641

EXHIBIT 4

Jim Jackson

From: Jim Jackson
Sent: Monday, January 23, 2023 3:45 PM
To: Jennifer Wilkerson
Subject: RE: Response to letter received

Jennifer,

Thank you for the e-mail.

We are bringing a claim against DHS before the Arkansas Claims Commission.

All that the DHS attorneys will tell me is that you are no longer employed by them.

I just wanted to confirm that you were in the course and scope of employment at the time of the wreck.

I assumed so since you were driving a DHS car and the time of the wreck was during the day but I just wanted to make certain.

This is just a claim with DHS so it does not mean you will have to be personally liable.

We know it was an accident but we want to make sure that DHS steps up and accepts responsibility for what happened.

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



From: Jennifer Wilkerson [REDACTED]
Sent: Monday, January 23, 2023 3:59 PM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: Response to letter received

Mr. Jackson,

This is Jennifer Wilkerson, i received a letter in the mail and i am responding to your question. I was working for DHS at the time of the wreck on 6/11/2021 but I no longer work for them. I hope this is all you were wanting from me. Please let me know that you did receive this email. If you have any other questions about this incident please let me know and if you could provide a brief summary of what this means and does it pertain to me directly.

Sincerely

Jennifer Wilkerson
 [REDACTED]



Jim Jackson

From: Jim Jackson
Sent: Friday, April 7, 2023 9:48 AM
To: Jennifer Wilkerson
Subject: RE: Response to letter received

Jennifer,
 I hope you are doing well.
 I just left a voicemail.
 I have filed a claim against the Department of Human Services with the Arkansas Claims Commission for the accident. The attorney for DHS is claiming that Ms. Ashcraft was the cause of the wreck. We all know that this was an accident and it could have happened to anyone. But is there anything you are aware of that Ms. Ashcraft did to cause the wreck? It appears that she was attempting to make a left hand turn to drop off her nephew when the accident happened. Did you see or observe anything that is different from what the Trooper found?
 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: Jennifer Wilkerson [REDACTED]
Sent: Monday, January 23, 2023 3:39 PM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: Response to letter received

Mr. Jackson,
 This is Jennifer Wilkerson, i received a letter in the mail and i am responding to your question. I was working for DHS at the time of the wreck on 6/11/2021 but I no longer work for them. I hope this is all you were wanting from me. Please let me know that you did receive this email. If you have any other questions about this incident please let me know and if you could provide a brief summary of what this means and does it pertain to me directly.

Sincerely

Jennifer Wilkerson
 [REDACTED]

Jim Jackson

From: Jim Jackson
Sent: Wednesday, July 26, 2023 1:43 PM
To: jenniferwilkerson88@gmail.com
Subject: Arkansas State Claims Commission No. 230641 Incident Date: June 11, 2021
Attachments: Affidavit of Jennifer Wilkerson.docx; Letter to Jennifer Wilkerson with proposed Affidavit 7-25-2023.pdf

Jennifer,

I'm the attorney representing the Ashcraft family before the Arkansas Claims Commission. I know you have given a statement to the Arkansas State Police and to DHS right after the wreck. I'd like to memorialize that in the form of an Affidavit for presenting to the Claims Commission. Can you review the attached Affidavit and let me know if it is correct? The PDF file has the exhibits referenced in the Word Document. I called and left a voice mail earlier today. Thank you for your attention to this matter.
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: Jim Jackson
Sent: Wednesday, August 9, 2023 4:03 PM
To: Jennifer Wilkerson
Subject: RE: Response to email

Tracking:	Recipient	Delivery
	Jennifer Wilkerson	
	Martha Cox	Delivered: 8/9/2023 4:03 PM

Ms. Wilkerson,
Were you able to sign and return the Affidavit?
We have not received it in the mail yet.
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: Jim Jackson
Sent: Friday, July 28, 2023 10:11 AM
To: 'Jennifer Wilkerson' [REDACTED]
Subject: RE: Response to email

Jennifer,
I know a lot of people were negatively affected by the wreck.
I am traveling today on business.
Can you take the Affidavit to your bank or insurance agent and sign it in front of a Notary Public and drop it off with the Post Office?
I will be back in Arkansas next week if you would like to visit with me.
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: Jennifer Wilkerson <[REDACTED]>
Sent: Friday, July 28, 2023 8:08 AM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: Response to email

Mr. Jackson I received your email and you that is all correct there are things about myself and the trauma that it did cause and how dhs ruined my life because or the accident. This is a small town I haven't been able to get a job since then they like the rest of this town don't care about helping people. If you would like I can give you a call or I can get that sent back. That's the first time I saw a photo of the wreck myself.
Jennifer Wilkerson

Jennifer Wilkerson
[REDACTED]

Jim Jackson

From: Jim Jackson
Sent: Monday, August 14, 2023 2:22 PM
To: [REDACTED]
Subject: Affidavit

Jennifer,
I hate to bother you about the affidavit but it is something that has to be addressed.
Have you reviewed the Affidavit to see if it is correct?
If so, can you please either sign it in front of a Notary Public and mail it back to my office or let me know what corrections/additions you would like to make.
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: Jim Jackson
Sent: Friday, July 28, 2023 10:11 AM
To: Jennifer Wilkerson
Subject: RE: Response to email

Jennifer,
I know a lot of people were negatively affected by the wreck.
I am traveling today on business.
Can you take the Affidavit to your bank or insurance agent and sign it in front of a Notary Public and drop it off with the Post Office?
I will be back in Arkansas next week if you would like to visit with me.
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: Jennifer Wilkerson [REDACTED]
Sent: Friday, July 28, 2023 8:08 AM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: Response to email

Mr. Jackson I received your email and you that is all correct there are things about myself and the trauma that it did cause and how dhs ruined my life because or the accident. This is a small town I haven't been able to get a job since then they like the rest of this town don't care about helping people. If you would like I can give you a call or I can get that sent back. That's the first time I saw a photo of the wreck myself.

Jennifer Wilkerson

--
Jennifer Wilkerson
[REDACTED]

Jim Jackson

From: Jim Jackson
Sent: Sunday, September 3, 2023 2:28 PM
To: Jennifer Wilkerson
Subject: Affidavit

Tracking:	Recipient	Delivery
	Jennifer Wilkerson	
	Martha Cox	Delivered: 9/3/2023 2:28 PM

Ms. Wilkerson,
Did you receive and review the Affidavit?
Were there any corrections that need to be made or additions to it?
I know this is not an issue you want to address but it is important that we know what information you recall about the incident.
Thank you,
Jim Jackson



Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

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



**CLAIMANT'S RESPONSE TO
MOTION TO COMPEL**

ARKANSAS CLAIMS COMMISSION #230641

EXHIBIT 5

Martha Cox

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Monday, October 23, 2023 9:32 AM
To: Jim Jackson
Cc: Daiquiri Carter
Subject: Request for documents

Jim:

Friday was a very interesting and enlightening day. Following up on my on-the-record request, please remit copies of any and all written, text, email, or voice communications you have had with Jennifer Wilkerson. Please also supply a call log of each and every phone call placed or message sent to Jennifer Wilkerson or that you have received from Jennifer Wilkerson. Please also supply the name of the videographer so I may procure a copy of the videotaped deposition.

Please comply with these requests by the end of business today. I am happy to make these requests in a more formal manner and reference those parts of your formal discovery responses that require you to comply with my requests. However, I wanted to first give you the opportunity to do so informally.

Also, after Jennifer Wilkerson's deposition on Friday I think it is pretty clear that your summary judgment motion was not only premature as I have argued *ad nauseum* but is now doomed. I would appreciate you save us all the pain and work of jumping through those hoops and meeting these deadlines by withdrawing that motion. Frankly, I think at this point your best call is to nonsuit the case and refile before limitations runs, starting fresh from the beginning, but that is your decision to make.

Please make your decision regarding the summary judgment motion by the end of business today if you would. Tomorrow I will be filing a formal motion to compel your heretofore undisclosed contacts and written statements with Jennifer Wilkerson accompanied by a motion for sanctions for witness intimidation, witness tampering, and for filing pleadings that you knew or should have known were false. I may reconsider those motions for sanctions should the motion for summary judgment be withdrawn.

I look forward to hearing from you,

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

This email may contain sensitive or confidential information.



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CLAIMANT'S RESPONSE TO
MOTION TO COMPEL

ARKANSAS CLAIMS COMMISSION #230641

EXHIBIT 6

1 Q In the apartment, okay. But you don't remember
2 what -- it is a woman, I am assuming?

3 A Yes.

4 Q Okay. You don't have to know that. That's
5 fine. And did she spend much time like around her
6 friends and so on?

7 A Yes.

8 Q Yes? Okay. Are you all right?

9 A Sure, I'm just nervous.

10 Q Oh, that's okay. Do you want to take a second?

11 A (Indicated yes.)

12 Q It's all right.

13 MR. GASPER: Let's go off the record.

14 (WHEREUPON, there was a brief break.)

15 MR. GASPER: Okay. Go back on the
16 record, please, if you haven't already.

17 BY MR. GASPER:

18 Q Now, your mom, did you ever remember her like
19 being sick during her just everyday life, being sick
20 or anything?

21 A No. She always had a strong immune system.

22 So, like I --

23 Q I'm sorry. Could you repeat? A what immune
24 system?

25 A She had a strong immune system.

1 Q Strong immune system, okay.

2 A So, I really never remember her sick.

3 Q Okay. Well, that was -- that's very lucky for
4 her. Did she ever go to the doctor, did you like
5 go to -- ever accompany her to doctor appointments or
6 anything?

7 A No.

8 Q What about, even if she had a dentist or two,
9 occasionally?

10 A No. Because she got all her teeth pulled out.

11 Q Oh, no. Okay. Oh, man, when did that happen?

12 A Like before we moved to Paris.

13 Q Oh, okay.

14 A It was like before then.

15 Q Oh, man. And I also read that your mom smoked
16 cigarettes?

17 A Yes, sir.

18 Q I was a smoker for years, so I get it. Luckily,
19 I was able to quit. But do you know like how much
20 she smoked? Did she -- was it just every once in a
21 while, or did she have a -- like she did ten a day
22 or a pack?

23 A She just only smoked half a pack a day.

24 Q Half a pack a day, okay. Do you know how long
25 she did it? Like did she start when she was much

1 younger or do you have any idea?

2 A All I know is, she smoked like through my whole
3 life. So, I don't know if she started like -- like
4 when she started before and all.

5 Q Okay.

6 A Because I don't know.

7 Q Okay. As long as you can remember she did?

8 A Yes.

9 Q Okay. Did that ever cause her any problems that
10 you know of?

11 A No, sir.

12 Q Did your mom drink alcohol, like beer or wine?

13 A No. I have never seen her drink before.

14 Q Okay. What about the Covid vaccine? Did she
15 get vaccinated against Covid?

16 A No. But me and my sister did get tested.

17 Q Okay.

18 A But I don't think she got tested, but --

19 Q Did you get vaccinated, did you get a shot?

20 A No.

21 Q Okay. So she did not get a shot?

22 A No, sir.

23 Q Okay. Do you think you have ever had it? I
24 thought I had it, I think I had it before I got my
25 shot.

1 A Me, too.

2 Q You do?

3 A That's why I got tested, but it came back
4 negative, though.

5 Q Oh, it did come back negative?

6 A Yes.

7 Q Yeah, mine came back negative, too. But I
8 swore -- I promise you that it was Covid.

9 A Me, too.

10 Q But you remember how it was, when it was all a
11 big mess?

12 A (Indicated yes.)

13 Q So, now, one thing that I thought was
14 interesting was after the accident, the EMT, the
15 paramedics they showed up, and they, according to Ms.
16 Holly Newman, I think she was a paramedic, but the
17 woman paramedic that you guys talked with, she said
18 that your mom did not want to go to the hospital
19 right away. Do you know why that is?

20 A I don't.

21 Q You don't? She just didn't want to go?

22 A I don't know why, but she just like really
23 didn't like the doctors. I don't know why, but
24 she just didn't.

25 Q Okay, all right. Did you feel like you wanted

1 to go to the doctor? Did you need to go to the
2 doctor?

3 A (Indicated no.) Because I knew I didn't get
4 hurt but --

5 Q You didn't?

6 A No.

7 Q Okay.

8 A But no, I didn't want to go.

9 Q Okay, fine. That's fine. Now, also, I read
10 that she was -- I think the paramedic Ms. Newman
11 testified to this, that she was -- she was kind of
12 sick that day, like she had been throwing up or you
13 had told her, the paramedic, that she had been
14 throwing up and stuff? Does that ring a bell?

15 A I don't remember her throwing up --

16 Q Okay.

17 A -- any that week.

18 Q Okay. You don't?

19 A (Indicated no.)

20 Q Okay. So, as far as you know, she was in fine
21 health that particular day?

22 A Yes.

23 Q Okay. Let me ask you about this. Now, your mom
24 was like a grownup, and my wife is a grownup, and
25 she -- she's not a very good driver. And she would

1 be the first person to admit that she is not a good
2 driver. What about Jackie, what about your mom, was
3 she, do you know anything like -- do you know if she
4 was a good driver or not? Did she get many tickets
5 or get in wrecks, or did she -- was she pretty much
6 like a good driver?

7 A She was a good driver. I don't remember her
8 getting any tickets, like ever.

9 Q Okay. Did she wear her seat belt regularly?

10 A Yes. Because she told us if we don't wear our
11 seat belt, then we are getting our tail whooped, and
12 so she would wear hers.

13 Q That's a good rule. I'm not going to -- I'm
14 not going to lie, that's a good rule. So, you guys
15 were all wearing your seat belts that particular day,
16 right?

17 A Yes, sir.

18 Q Okay. This may sound like a strange question.
19 But how did she have her seat? Was she a lean-back
20 driver or an up-close driver, or do you have any
21 memory of that at all?

22 A Well, she wasn't like really close, she was like
23 really -- she was like right in the middle, so she
24 could like --

25 Q Oh, she was just -- okay. She was just like a

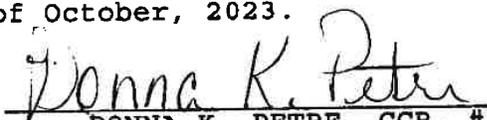
C E R T I F I C A T E

STATE OF ARKANSAS)
)
 COUNTY OF PULASKI)

I, DONNA K. PETRE, Certified Court Reporter in and for the County of Pulaski, State of Arkansas, duly commissioned and acting, do hereby certify that the above-entitled proceedings were taken by me in Stenotype, and were thereafter reduced to print by means of computer-assisted transcription, and the same fully, truly, and correctly reflects the proceedings had.

I FURTHER CERTIFY that I am not attorney or counsel of any of the parties, nor am I relative or employee of any attorney or counsel or party connected with the action, and have no interest in the outcome or results of this proceeding.

WHEREFORE, I have subscribed my signature and seal as such court reporter in the City of Little Rock, County of Pulaski, State of Arkansas, this the 27th day of October, 2023.


 DONNA K. PETRE, CCR, #125
 COURT REPORTER IN AND FOR
 PULASKI COUNTY, ARKANSAS

---o---

CLAIMANT'S RESPONSE TO
MOTION TO COMPEL

ARKANSAS CLAIMS COMMISSION #230641

EXHIBIT 7

1 A Yes, sir.

2 Q Okay. What were they like, what were Lisa and
3 Josh like?

4 A They are very quiet people to me. They are also
5 very involved, especially my Uncle Josh, he is one of
6 my favorite uncles. But like, they just -- I don't
7 know how to describe it, they are just very to
8 themselves kind of people.

9 Q Okay, all right. Now, did your mom have any
10 friends she ran around with?

11 A Not really, no. Well, when we lived in the
12 apartments, we had this neighbor, she was really
13 nice. My mom talked to her sometimes, but that was
14 really it. She usually -- if we ever went anywhere
15 it was either to my brother's house to visit and see
16 my nephews, or to my Aunt Jen's to see my cousins.
17 But she didn't necessarily have any friends in Paris.

18 Q Okay. Do you remember what that person's name
19 was, by any chance?

20 A No, sir.

21 Q And [REDACTED] couldn't remember, either.

22 A No, I don't remember her name.

23 Q Okay. Now, just going to just kind of like your
24 mom's general health, before the accident, do you
25 remember her ever being sick or anything?

1 A No, not -- just like everybody says the
2 occasional sometimes stomach bug.

3 Q Okay.

4 A And stuff like that.

5 Q But nothing, you know, like cancer treatment, or
6 anything like that?

7 A No, sir.

8 Q Do you know, did she ever go to the doctor, did
9 you ever go with her to appointments?

10 A Not that I recall. I don't ever recall ever
11 seeing her just going to the doctor.

12 Q Okay, okay. And I read, and I asked your sister
13 [REDACTED] your mom smoked cigarettes, is that right?

14 A Yes, sir.

15 Q And [REDACTED] said it was as long as she can
16 remember.

17 A Yeah.

18 Q Do you remember, I mean, was it as long as you
19 can remember?

20 A Uh-huh, yes, sir.

21 Q So, it went back 15 or 16 years at least?

22 A Yes.

23 Q I had told your sister I smoked for years. So,
24 I get it and I understand. It is a hard thing to
25 kick.

1 A Yeah.

2 Q But it was something, it was a significant
3 amount of time. Do you remember how, yes or no, was
4 it a significant amount of time?

5 A I remember her always smoking, but like I don't
6 really -- I mean, there was times she has tried quit.
7 It was just kind of like (indicating) -- yeah.

8 Q Okay. Do you know approximately how many she
9 would have a day, or was there an average, or just
10 kind of a guess?

11 A At most, probably like a half a pack.

12 Q Okay. That's -- okay. That's reasonable.
13 Okay. Did you ever see her drink alcohol or wine or
14 beer?

15 A No, sir.

16 Q Okay. Now, your sister indicated that she did
17 not believe your mom got the Covid vaccine, is that
18 right?

19 A Yes. I don't -- she has never had a Covid
20 vaccine. We were completely against that.

21 Q Okay. So, you did not believe in it, either?

22 A No. No, sir.

23 Q Do you know, did she ever catch Covid?

24 A No, sir.

25 Q No. Did you guys ever catch Covid?

1 A No, sir. We are -- the one time that like we
2 even thought we had Covid was whenever my brother's
3 wife had it. And we -- I got tested and it came back
4 negative.

5 Q Okay.

6 A And I got quarantined. But that's it.

7 Q Your mom, so she didn't believe in the vaccine
8 or --

9 A It's not that she didn't believe in it. It was
10 just like -- it was just -- it happened so fast. It
11 was just --

12 Q Sure. That was a crazy time, I remember.

13 A Yeah.

14 Q Okay. Now, on the day of the accident -- we're
15 going to be going to the day of the accident. I
16 read, in the medical reports from Holly Newman, she
17 was the woman paramedic that was there, that you or
18 your sister had indicated that your mom was sick that
19 day. Do you remember this at all?

20 A I don't remember that day, like --

21 Q Okay. Well, yes, we are going to get into your
22 memory things, but again, I have got to ask you these
23 questions. You don't remember that?

24 A No, sir.

25 Q Okay. Do you remember her prior to that day,

1 like two or three days prior, was she suffering from
2 any kind of bug or anything like that?

3 A I don't think so. I know prior to that, like I
4 had the stomach bug, but I don't recall, she might
5 have.

6 Q Okay.

7 A But like, I don't really remember.

8 Q Okay. Now, just so -- I'm not going to ask any
9 questions that you simply do not remember. I don't
10 think it's worth getting into, because very clearly,
11 the records show that you had some memory loss. So,
12 I'm not going to ask you anything about what happened
13 for the time period you tell me you don't remember.
14 So, can you tell me the last -- like when does the
15 memory loss start and when did it end?

16 A Okay. The last thing I remember is the night
17 before.

18 Q Okay.

19 A That was whenever I was sort of feeling better,
20 so I cooked dinner, and that's all I remember from
21 before. And then, the last thing I remember is my
22 Aunt Lisa waking me up and like telling me like I
23 needed to go get in the shower because we were going
24 to visit Mom in the hospital. And like, on the way
25 there, I'm pretty sure she told me what happened.

1 Q Okay.

2 A That's like what I remember.

3 Q So, to be clear, post, after you eat dinner the
4 night before, up until a point in time after the
5 accident occurred, and your Aunt Lisa wakes you up,
6 you were already away from the scene at that point,
7 right, you were at their house or --

8 A Yes, sir. I was at my Aunt Lisa's house.

9 Q Okay. During that time period, you do not
10 remember anything?

11 A No, sir.

12 Q That will eliminate many questions that I asked
13 your sister. So, can we talk about your injuries, I
14 know you sustained some?

15 A Yes, sir.

16 Q Can you describe those to me?

17 A Well, I know from the accident, I had a
18 concussion, but it -- like after all that, after the
19 accident, like weeks, I had this ongoing headache
20 that I just could not get rid of. And like, I guess
21 that's kind of like the things that happen when you
22 have concussions. And so, like I would take
23 Ibuprofen and Tylenol trying to get rid of it. And I
24 slept a lot.

25 But like now, I have trouble remembering things

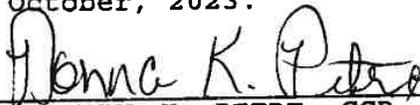
C E R T I F I C A T E

STATE OF ARKANSAS)
)
 COUNTY OF PULASKI)

I, DONNA K. PETRE, Certified Court Reporter in and for the County of Pulaski, State of Arkansas, duly commissioned and acting, do hereby certify that the above-entitled proceedings were taken by me in Stenotype, and were thereafter reduced to print by means of computer-assisted transcription, and the same fully, truly, and correctly reflects the proceedings had.

I FURTHER CERTIFY that I am not attorney or counsel of any of the parties, nor am I relative or employee of any attorney or counsel or party connected with the action, and have no interest in the outcome or results of this proceeding.

WHEREFORE, I have subscribed my signature and seal as such court reporter in the City of Little Rock, County of Pulaski, State of Arkansas, this the 27th day of October, 2023.



 DONNA K. PETRE, CCR, #125
 COURT REPORTER IN AND FOR
 PULASKI COUNTY, ARKANSAS

---o---

CLAIMANT'S RESPONSE TO
MOTION TO COMPEL

ARKANSAS CLAIMS COMMISSION #230641

EXHIBIT 8

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

-----X
)
 HALEY HUDSON, AS SPECIAL)
 ADMINISTRATRIX OF THE ESTATE OF)
 JACQUELINE LYNN ASHCRAFT,)
 DECEASED, AND AS PERMANENT)
 LEGAL GUARDIAN OF [REDACTED])
 [REDACTED] A MINOR,)
)
 CLAIMANTS,)
)
 VS.)
)
 THE ARKANSAS DEPARTMENT OF)
 HUMAN SERVICES,)
)
 RESPONDENTS.)
)
 -----X

CLAIM NO. 230641

---O---
DEPOSITION

OF

HALEY NICOLE HUDSON

---O---

THURSDAY, SEPTEMBER 7, 2023

---O---

COURT REPORTER:

DONNA K. PETRE, CCR
P. O. Box 1027
Little Rock, Arkansas 72203

PETRE'S STENOGRAPH SERVICE
(501) 376-1411



1 Diane.

2 Q Okay.

3 A But I don't know. I don't know.

4 Q Okay.

5 A I didn't -- I only went to really see her
6 apartment like twice before she was in the wreck.
7 And I only met that lady -- I met her one time when I
8 went to visit. And then, I met her the second time
9 after the wreck, because she wanted to get her cake
10 pan back. And I was like, "You can come see these
11 dishes. I don't know what is yours and what is not."
12 And she come and got her cake pan. And, you know,
13 she apologized for what was going on.

14 Q Okay.

15 A And I could be wrong, but I want to say Diane.
16 I don't know why.

17 Q That's fine.

18 A I don't know why.

19 Q Now, do you know if your mom had any injuries or
20 physical conditions --

21 A No.

22 Q -- that were -- and I know you were in the room
23 whenever I --

24 A Yes.

25 Q -- was talking to your sisters about this.

- 1 A Yes. Before the wreck?
- 2 Q Yes.
- 3 A Like what was wrong with her --
- 4 Q Yes.
- 5 A -- or anything before the wreck?
- 6 Q Yes.
- 7 A No.
- 8 Q Okay. And I know we have -- I have made hay
9 about medical records.
- 10 A Yes.
- 11 Q And that's again part of my job.
- 12 A No, I understand. And I -- I don't know. I
13 mean, I get those papers from DHS that were sent a
14 few days after her accident canceling her insurance.
15 And I know she had insurance through DHS, but she
16 just didn't go to the doctor.
- 17 I know that when she was here, [REDACTED] may have
18 mentioned that she got all of her teeth pulled. She
19 did, but she didn't go to like -- I don't know where
20 we are -- a dentist. She went to this place in West
21 Memphis where it was based off your income.
- 22 Q Okay.
- 23 A That way, she could do like monthly payments
24 and, you know, try to get --
- 25 Q Okay.

1 A She wanted new teeth.

2 Q Okay. What happened to her teeth?

3 A Genetics.

4 Q Okay.

5 A They are just really bad. I have got really bad
6 teeth, it's just bad.

7 Q Okay. But it was a dental place. Do you know
8 when that occurred?

9 A Years, years ago.

10 Q Okay. So, more than ten years?

11 A My daughter is nine, so I'm going to say about
12 nine or ten years.

13 Q Okay. So, it was a place over in West Memphis?

14 A Yes.

15 Q Do you remember -- and I know it's a long time,
16 but do you remember if it was like a state run
17 place --

18 A It's a --

19 Q -- or a private place?

20 A No. It's like -- they have got a dentist
21 office, a doctor's office. They have those things in
22 there. It's just for people that don't make a lot of
23 money, you know?

24 Q Okay. So, it may have been like a community
25 service or a volunteer organization or --

1 A Yeah. It's a big building. It's still there to
2 this day.

3 Q Okay.

4 A But I don't know the name of it.

5 Q Okay. That's fine. I'm going to ask you about
6 specific illnesses.

7 A Uh-huh. (Indicates yes.)

8 Q And I expect I know what your answer is going to
9 be, but I have to ask these.

10 A Yes, sir.

11 Q Did she ever have, or was treated for cancer?

12 A No, sir.

13 Q Liver problems?

14 A No, sir.

15 Q Breathing, pulmonary problems, COPD?

16 A No, sir.

17 Q Kidneys?

18 A No, sir.

19 Q Heart problems?

20 A No, sir.

21 Q Neurological problems?

22 A No, sir.

23 Q Okay. Did she take medications for anything?

24 A I mean, she might have a bottle of Tylenol in
25 her purse.

1 Q Okay.

2 A But now that I'm thinking about it I don't even
3 think -- I mean, if she felt bad, of course. You
4 know, she took like medicine, she would go to Dollar
5 General and get some medicine. But --

6 Q Like prescription meds?

7 A No, like --

8 Q I mean, yeah, I know what you are saying for
9 Dollar General.

10 A Yeah.

11 Q But did she have any prescription meds that you
12 knew of?

13 A Not that I would know of, no.

14 Q Okay. She did not get the Covid vaccine, is
15 that correct?

16 A No, sir.

17 Q Okay. Do you know why not? I mean, I know your
18 sisters had some opinions, but do you know why not?

19 A Yeah. Because it just come along too quick. It
20 felt more like a political move than it did health of
21 the world.

22 Q Okay.

23 A And so, in her mind and my mind, and it just
24 come about a little bit too fast. Don't get me
25 wrong, we are all vaccinated. But you don't see me

1 standing in line for something that came out
2 yesterday, you know.

3 Q Okay.

4 A That's just where she was.

5 Q Okay. Was she vaccinated against other things?

6 A Yes.

7 Q Like polio?

8 A Yes. Like she was, as far as I know --

9 Q Yes.

10 A I mean, I didn't know her when she was a kid --

11 Q Sure.

12 A -- but as far I know she was vaccinated.

13 Q Okay. Now, there was some testimony from Holly
14 Newman who was the EMT. I know that, again, you
15 overheard this.

16 A Yes.

17 Q Well, not overheard, but you heard this in the
18 prior depositions --

19 A Yes.

20 Q -- that your mom refused medical treatment at
21 the scene?

22 A Uh-huh. (Indicated yes.)

23 Q Can you tell me why you think she would have
24 done that?

25 A Because she thought she was fine.

- 1 Q Okay.
- 2 A I have been in many wrecks where I've been fine.
3 And they say, "Would you like to go to the hospital?"
4 "No, I wouldn't, because I'm fine."
- 5 Q Okay.
- 6 A So, I think at that point in time, I think my
7 mom thought that she was fine.
- 8 Q Okay. What if she had been told more than once,
9 maybe as many as three times that the EMT suggested
10 that she go to the hospital? Do you think she
11 would -- well, just --
- 12 A Let me just say this.
- 13 Q Okay.
- 14 A My mom was a poor woman.
- 15 Q Okay.
- 16 A And she could not pay any doctor bills, hospital
17 bills, and ambulance ride, which I still have the
18 bill for. There is no way she could have done that.
- 19 Q Okay.
- 20 A So, she would have denied it all the way.
- 21 Q So, you believe that it was more of an economic
22 decision?
- 23 A No. I think that she knew that she -- and at
24 that point in time, she thought she was fine.
- 25 Q Okay.

1 A And so, she denied treatment. And then, by the
2 time they kept asking her, she was gone -- like, you
3 do realize this happened within a matter of minutes,
4 not hours? Like she is fine one minute, the EMT
5 walks over to Jennifer Wilkerson with whatever she
6 has got going on. And then, that's when my mom goes
7 downhill, and my sisters have to go get the EMT.
8 This didn't happen in three hours, this was a matter
9 of minutes. So, at the time, yeah, she probably did
10 deny going to the hospital or getting any treatment.
11 She wasn't going to, that's just not my mom.

12 Q Okay. Now, I think that since you said your mom
13 didn't go to the doctor very often, right?

14 A No.

15 Q So, I'm going to ask you these questions, and I
16 think I know the answers. But do you know the
17 identity of any of her doctors?

18 A I know who delivered me. His name was -- oh, I
19 don't know, Sing? He was a black doctor, I know
20 that.

21 Q Okay.

22 A Armstrong, that's his name, or that's his last
23 name.

24 Q Okay, all right.

25 A I know that in Forrest City -- what is his name?

1 I know the doctor that delivered my sisters. But
2 other than that, I don't know of a whole lot of
3 doctors that she just went to, no.

4 Q And you say as far as a dentist goes, it's the
5 West Memphis Clinic?

6 A Yes.

7 Q Okay. Did she wear glasses or contacts?

8 A No. She would go to Dollar Tree sometimes and
9 try to see if she needed, you know, like a stronger
10 set, because once you get so high, like you would
11 have to go to the eye doctor. But yeah, I mean, she
12 would wear those to read every now and then, or like
13 if she was on the phone she would have them, you
14 know. (Indicating.)

15 Q Okay. But she wasn't ever prescribed like --

16 A No.

17 Q -- a vision prescription?

18 A No.

19 Q Did she ever get physical therapy for anything?

20 A Not that I know of.

21 Q What about like alterative medicine? Do you
22 know what I'm talking about, like an osteopath or
23 like acupuncture, you know?

24 A I know what acupuncture is.

25 Q No. Just kind of like non-traditional

1 medicines, did she have any --

2 A No, no. I used to work at a chiropractor.

3 Q Okay.

4 A And I would try so hard to get her to go. And
5 she would say, "They are not a real doctor." "My
6 dad," which was her dad was Bobby, "he used to go to
7 those chiropractors three times a week,
8 blah-blah-blah, he was so addicted." And I'm like,
9 "Mom, it makes you feel better." "No, no." It
10 wasn't -- in her eyes that wasn't a real doctor.

11 Q Okay.

12 A But on the record, I think they are real
13 doctors.

14 Q Okay.

15 A I am all about a chiropractor.

16 Q Okay. All right. And so, when I refer to
17 alternative medicine --

18 A Yes.

19 Q -- you know what I am kind of referring to,
20 right?

21 A Yeah, like the acupuncture and maybe like a --

22 Q Yes, just non-traditional medicines. You know,
23 like just, you know, that aren't like a primary care
24 physician or a -- well, I think I've got you.

25 A Yeah, okay.

1 Q We will just move on from that.

2 A Okay.

3 Q What about a podiatrist? Did she ever have any
4 foot issues?

5 A No.

6 Q Okay. Mental health? Did she ever seek or get
7 treated for any kind of mental health issues?

8 A I mean, not that I know of. I know -- I'm
9 trying to think. I don't -- I mean, she would always
10 say that she was crazy, but I don't think she ever
11 went.

12 Q That was not an official diagnosis?

13 A Yeah. No, no, that was just her own thing.

14 Q We have come now to the point where I have to
15 ask the question that I have been dreading asking --

16 A It's okay.

17 Q -- for the last week.

18 A No, you are fine.

19 Q How did the drugs get in her system?

20 A I don't know.

21 Q I mean --

22 A If you want me to be honest?

23 Q Yes.

24 A She lived with me for three years. Okay. So,
25 their dad, Steven Jones, is really bad on drugs. He

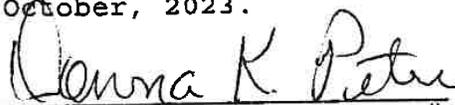
C E R T I F I C A T E

STATE OF ARKANSAS)
)
 COUNTY OF PULASKI)

I, DONNA K. PETRE, Certified Court Reporter in and for the County of Pulaski, State of Arkansas, duly commissioned and acting, do hereby certify that the above-entitled proceedings were taken by me in Stenotype, and were thereafter reduced to print by means of computer-assisted transcription, and the same fully, truly, and correctly reflects the proceedings had.

I FURTHER CERTIFY that I am not attorney or counsel of any of the parties, nor am I relative or employee of any attorney or counsel or party connected with the action, and have no interest in the outcome or results of this proceeding.

WHEREFORE, I have subscribed my signature and seal as such court reporter in the City of Little Rock, County of Pulaski, State of Arkansas, this the 27th day of October, 2023.



 DONNA K. PETRE, CCR, #125
 COURT REPORTER IN AND FOR
 PULASKI COUNTY, ARKANSAS

---o---

PETRE'S STENOGRAPH SERVICE
 (501) 376-1411



ARKANSAS
DEPARTMENT OF
**HUMAN
SERVICES**

**Office of Chief Counsel
Daiquiri D. Carter**

P.O. Box 1437, Slot S260, Little Rock, AR 72203-1437
P: 501-320-6338 | E-mail: daiquiri.carter@dhs.arkansas.gov

November 8, 2023

Jim Jackson, Esquire
700 W Broadway, Suite 2
North Little Rock AR 72116-5528

**Arkansas
State Claims Commission**

NOV 13 2023

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

RECEIVED

RE: Haley Hudson, et al v. DHS CC # 230641

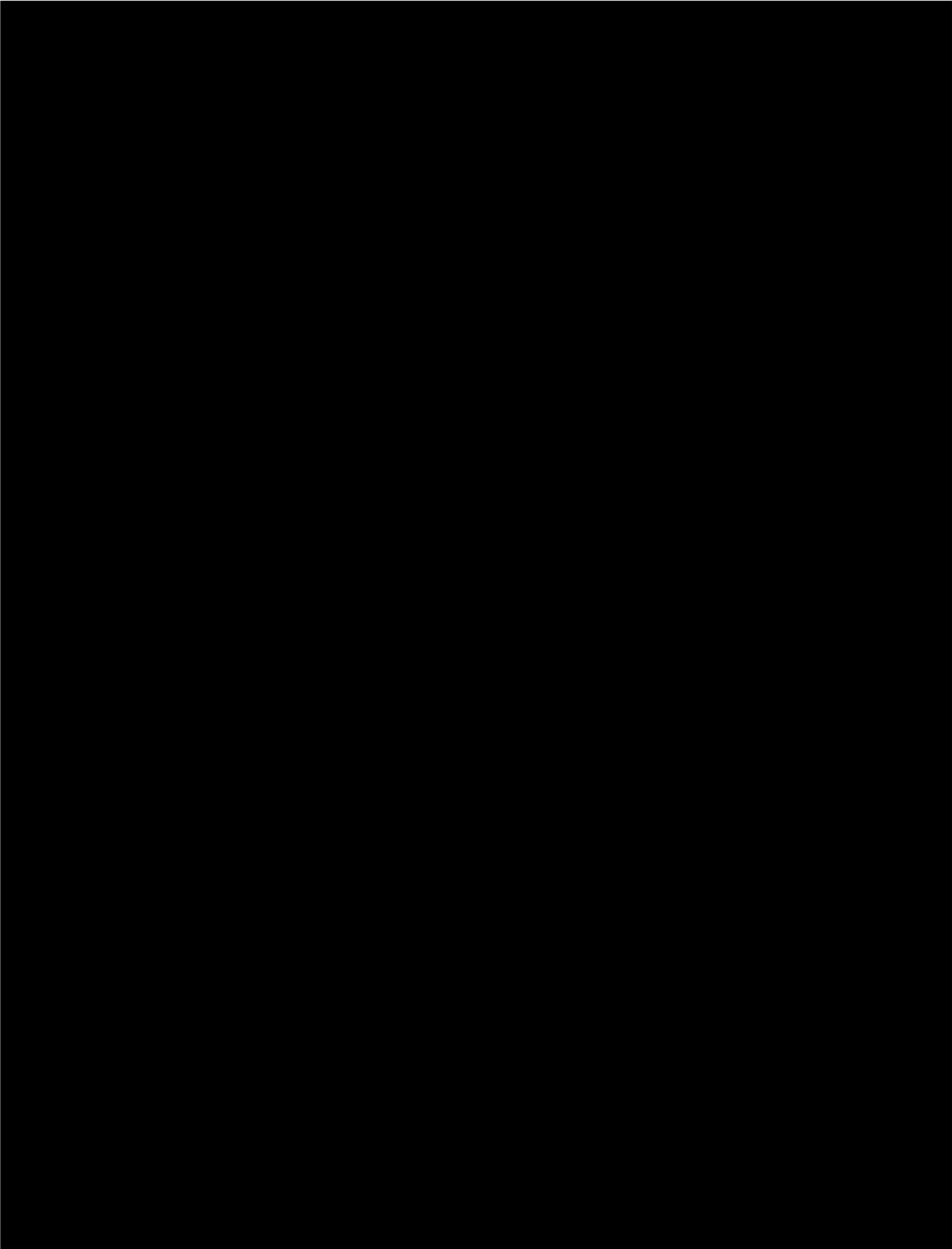
Mr. Jackson:

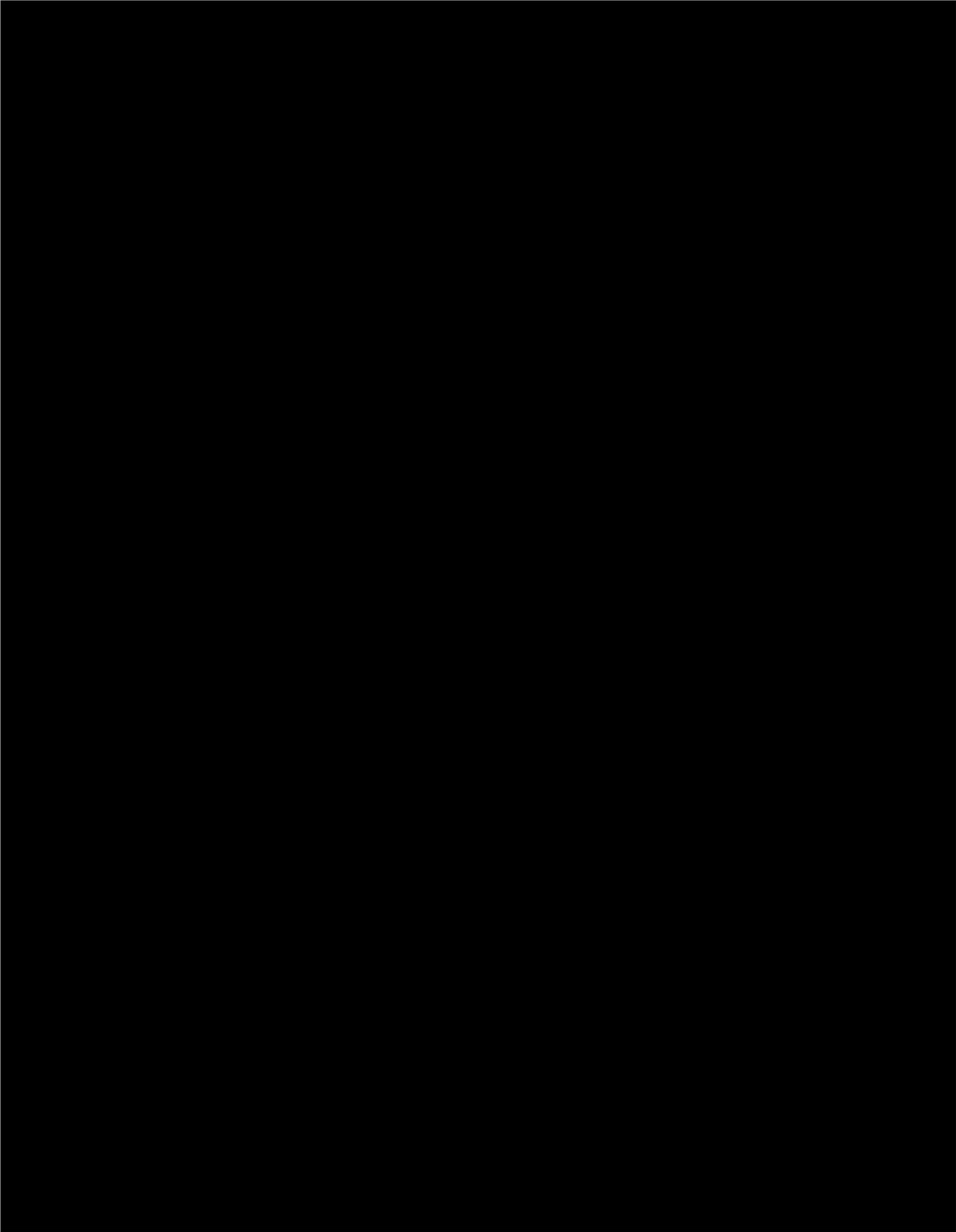
Please find enclosed documents pursuant to your discovery request. If you have any questions, please contact Brent Gasper.

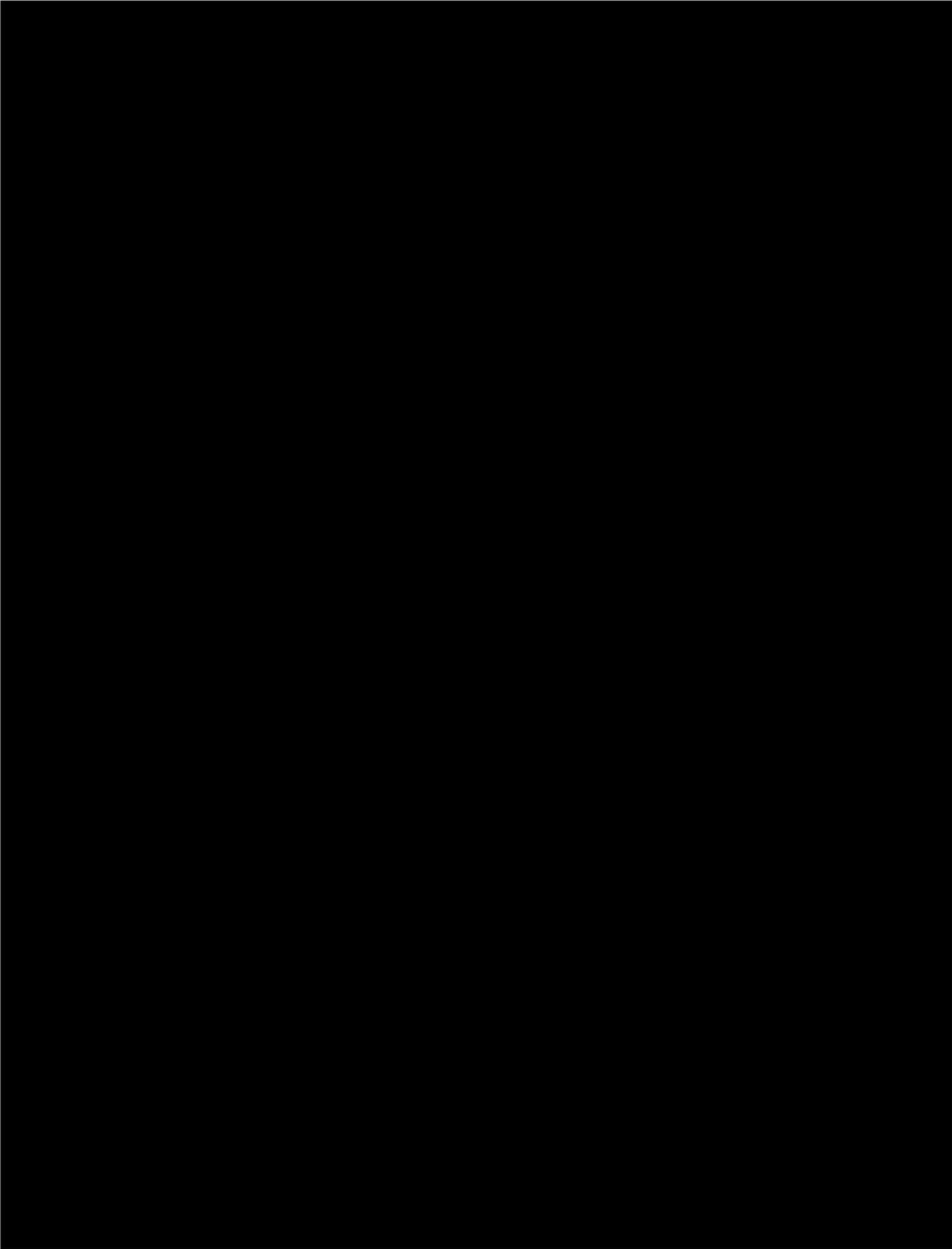
Sincerely,

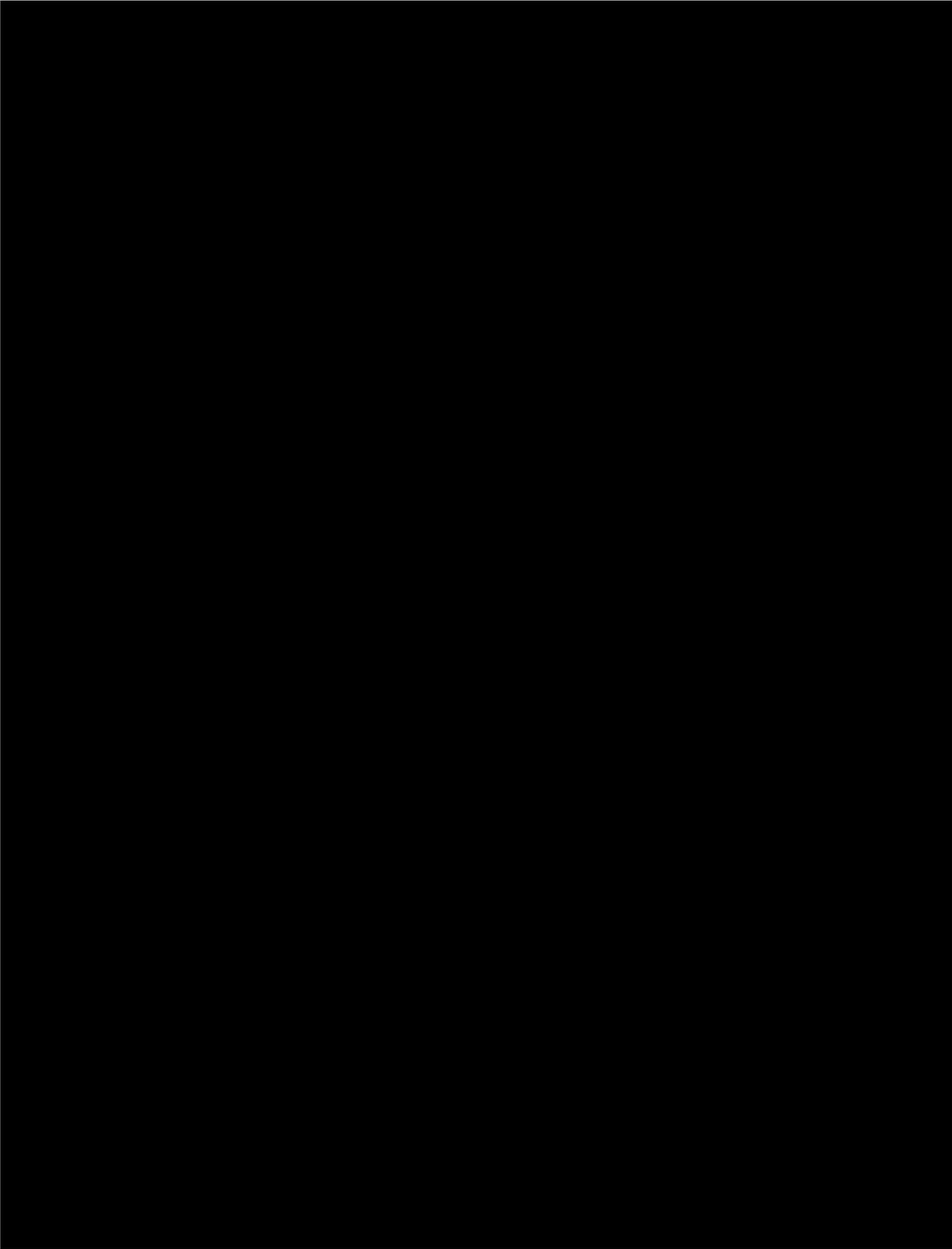
Daiquiri D. Carter
Legal Services Specialist

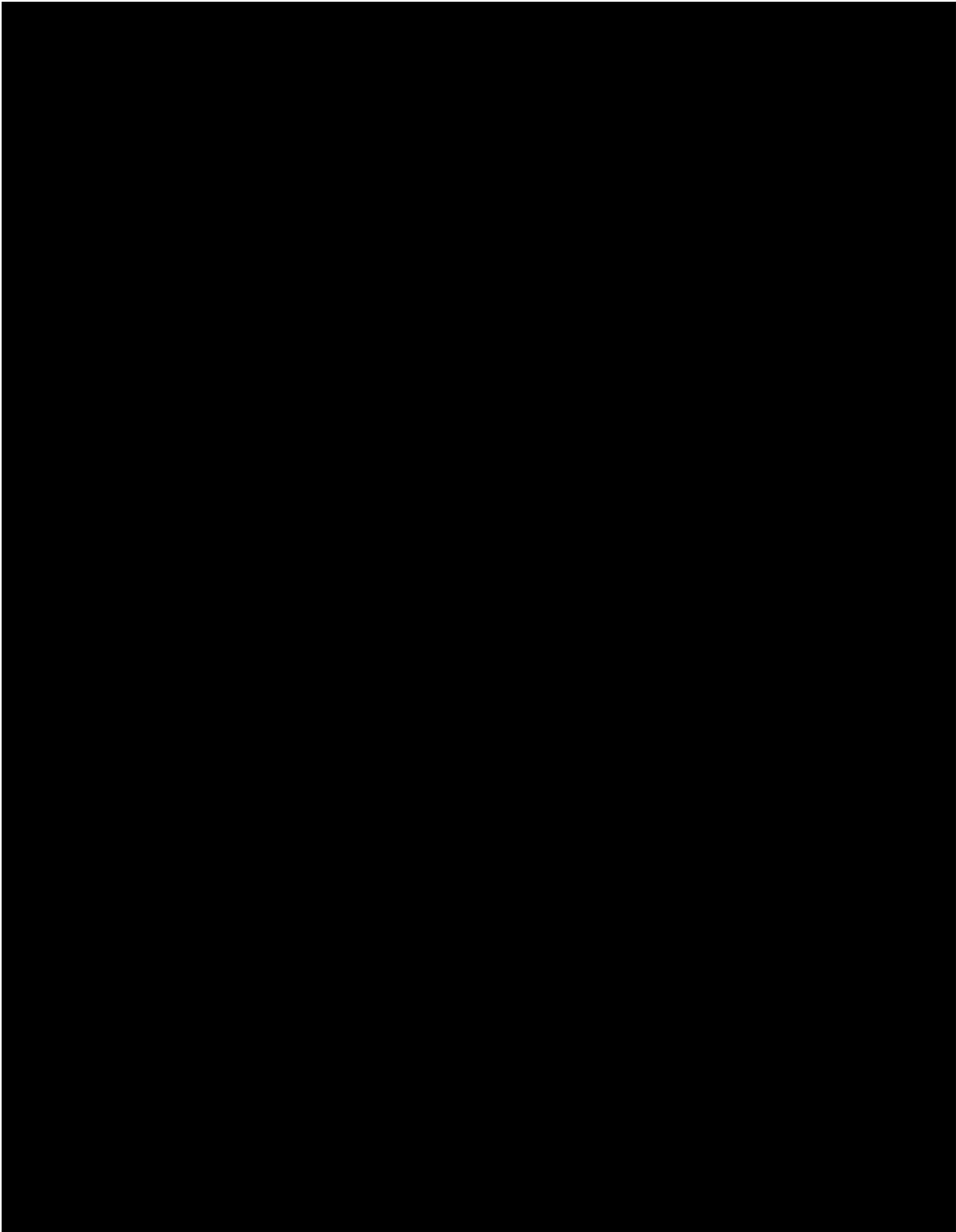
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Enclosures

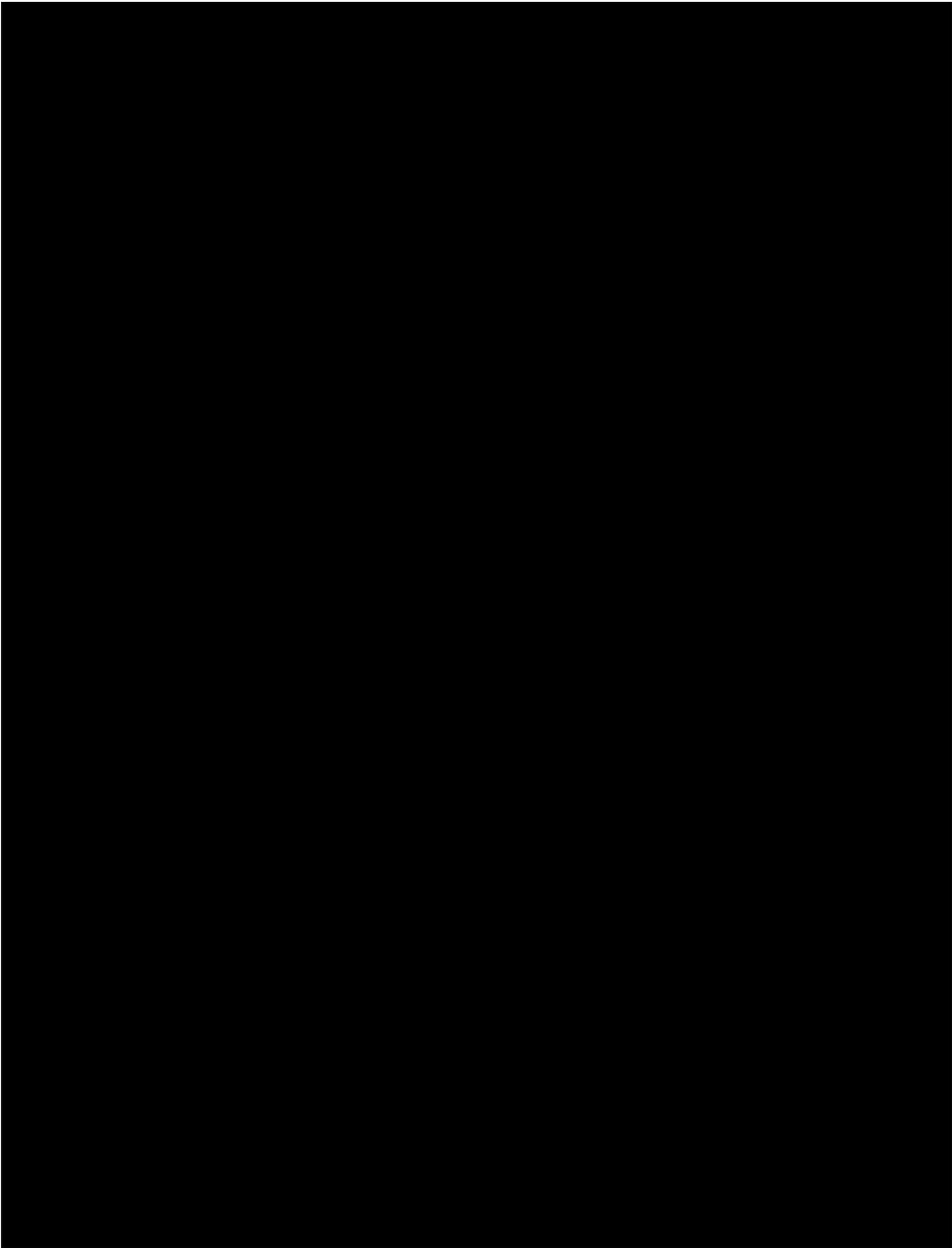


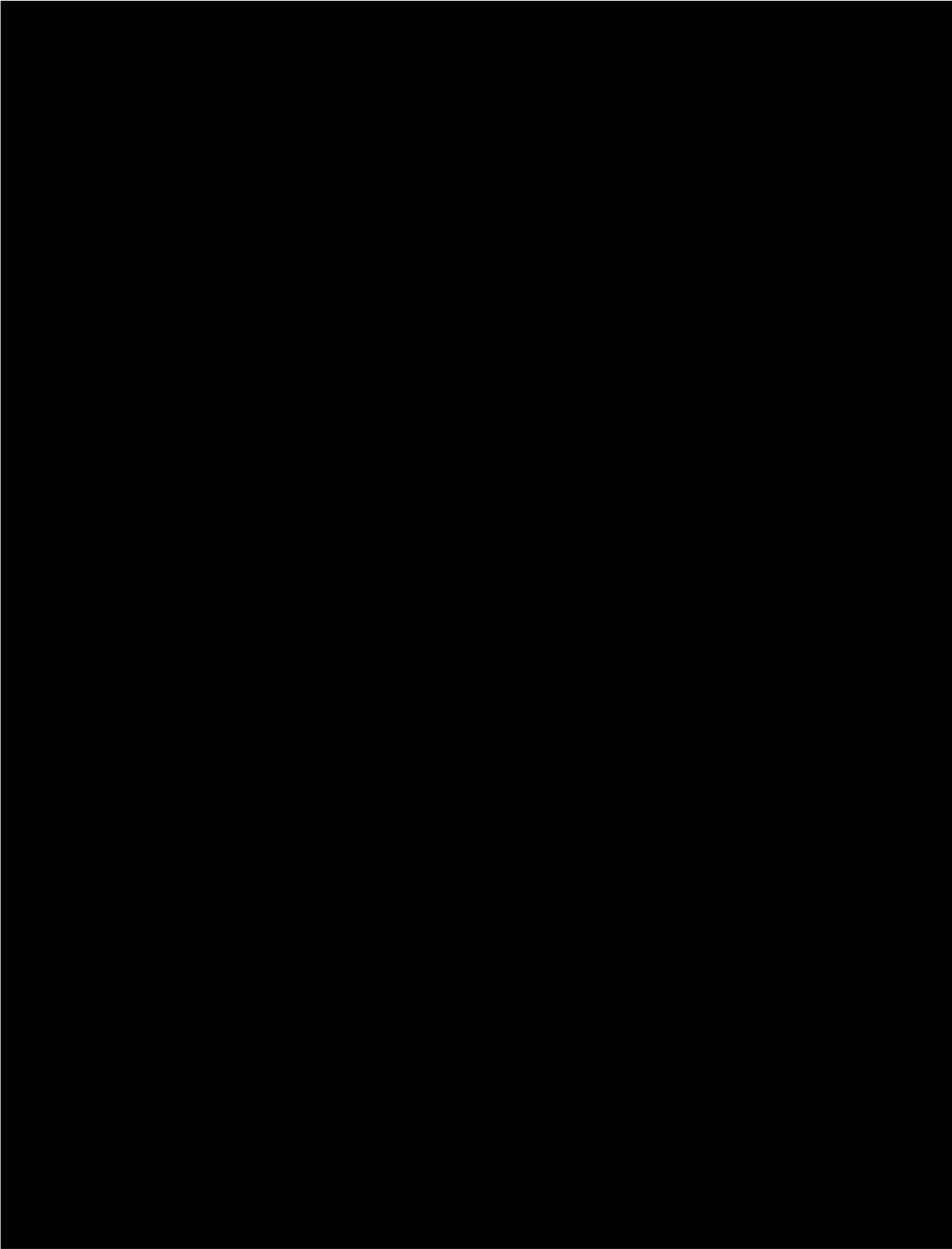


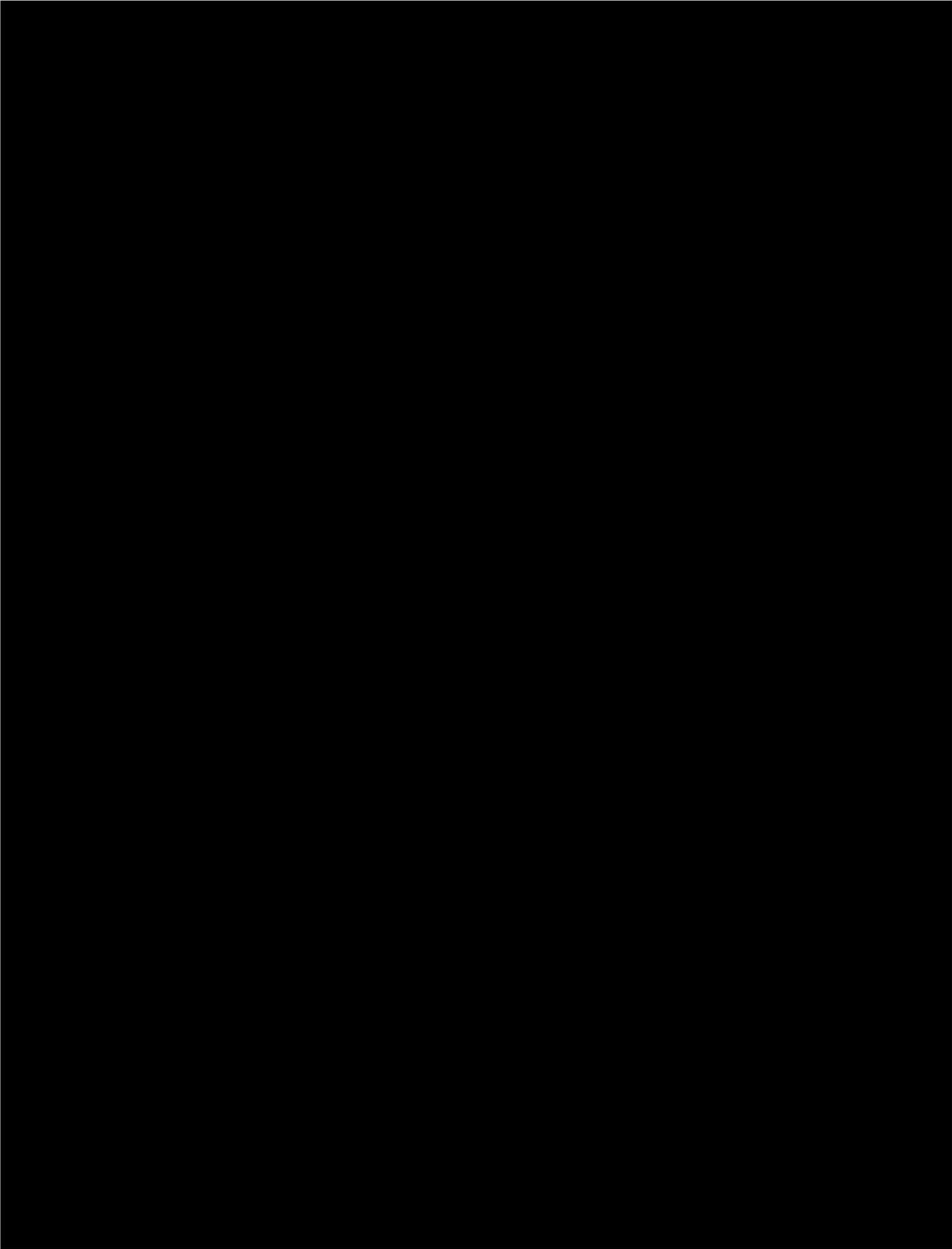


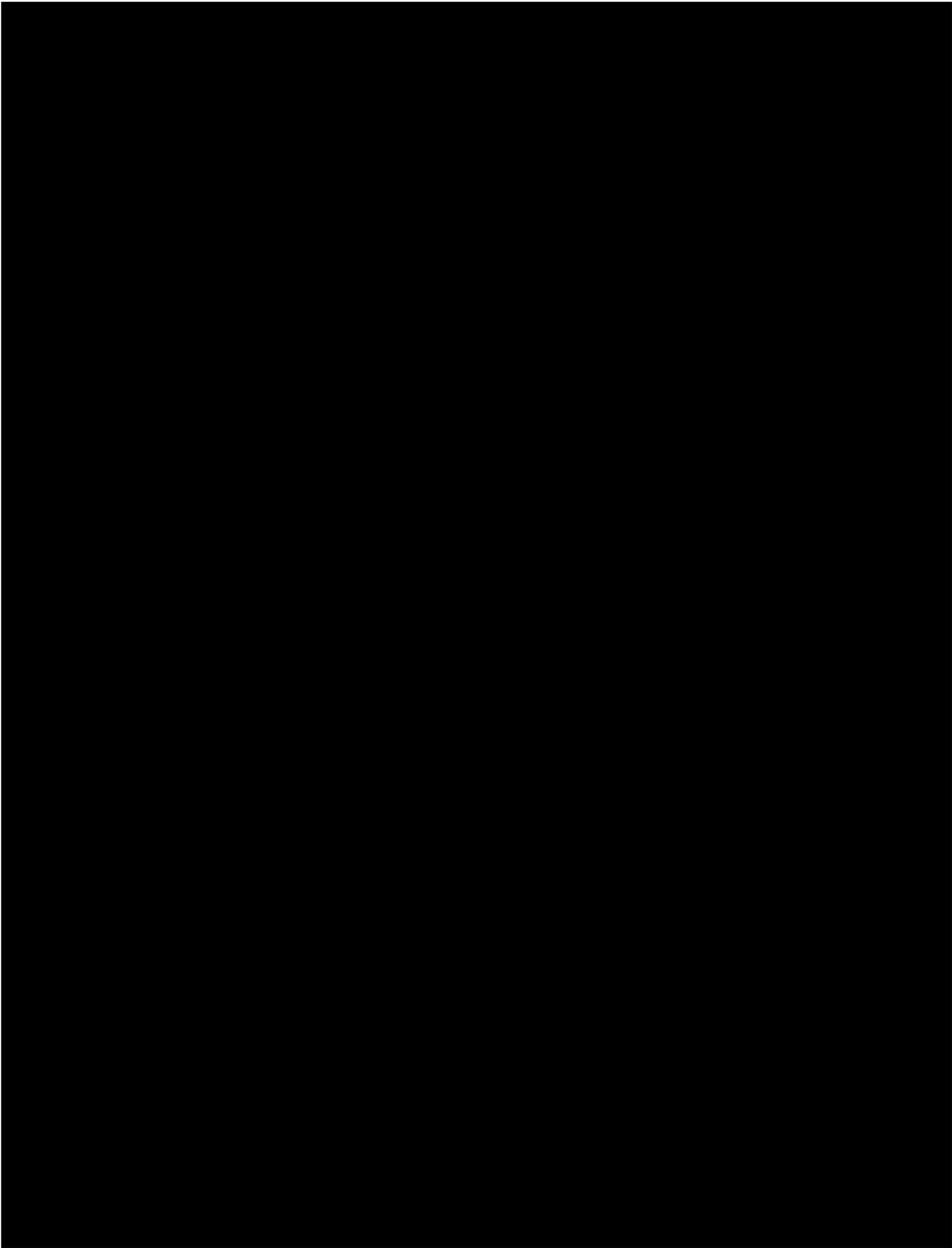


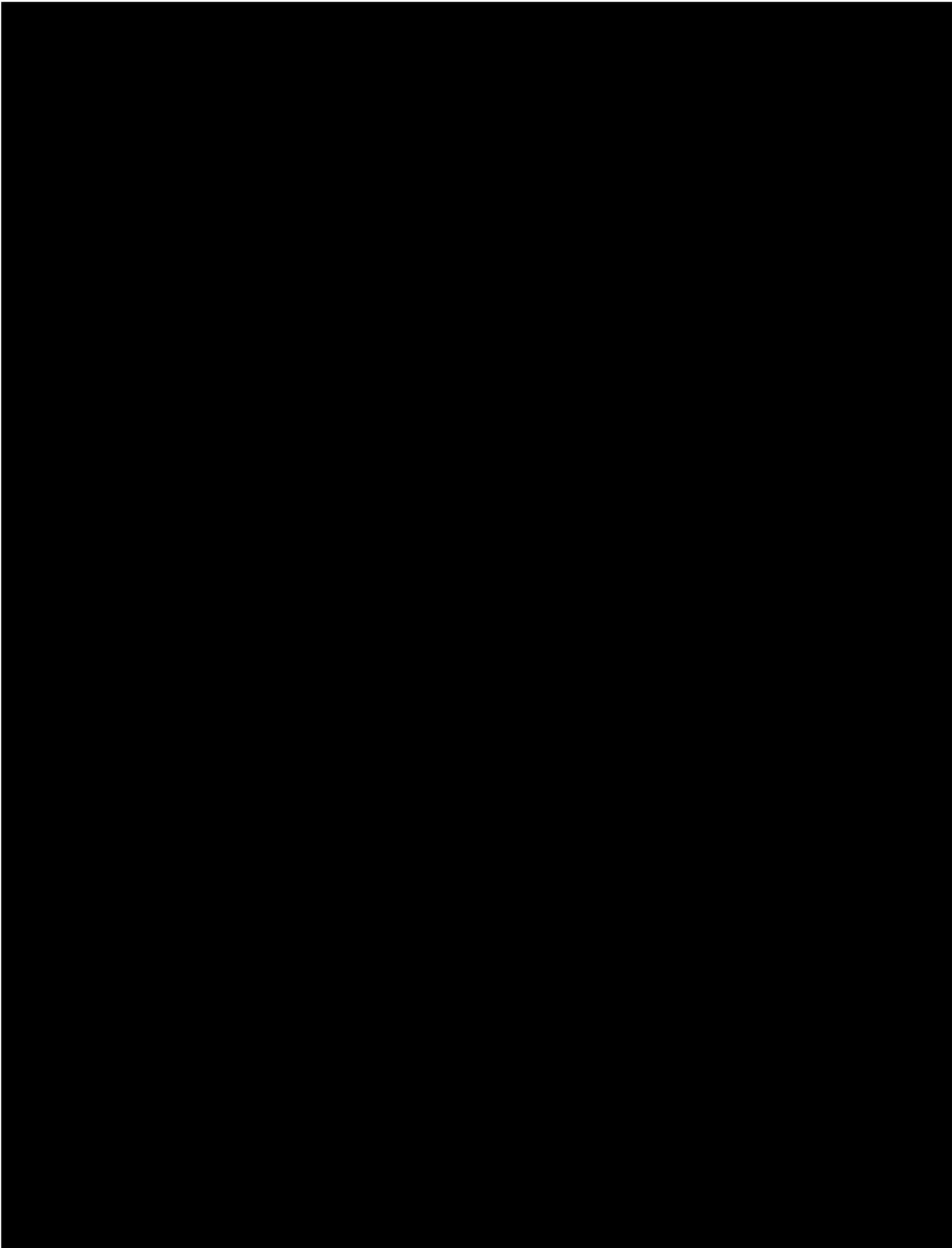


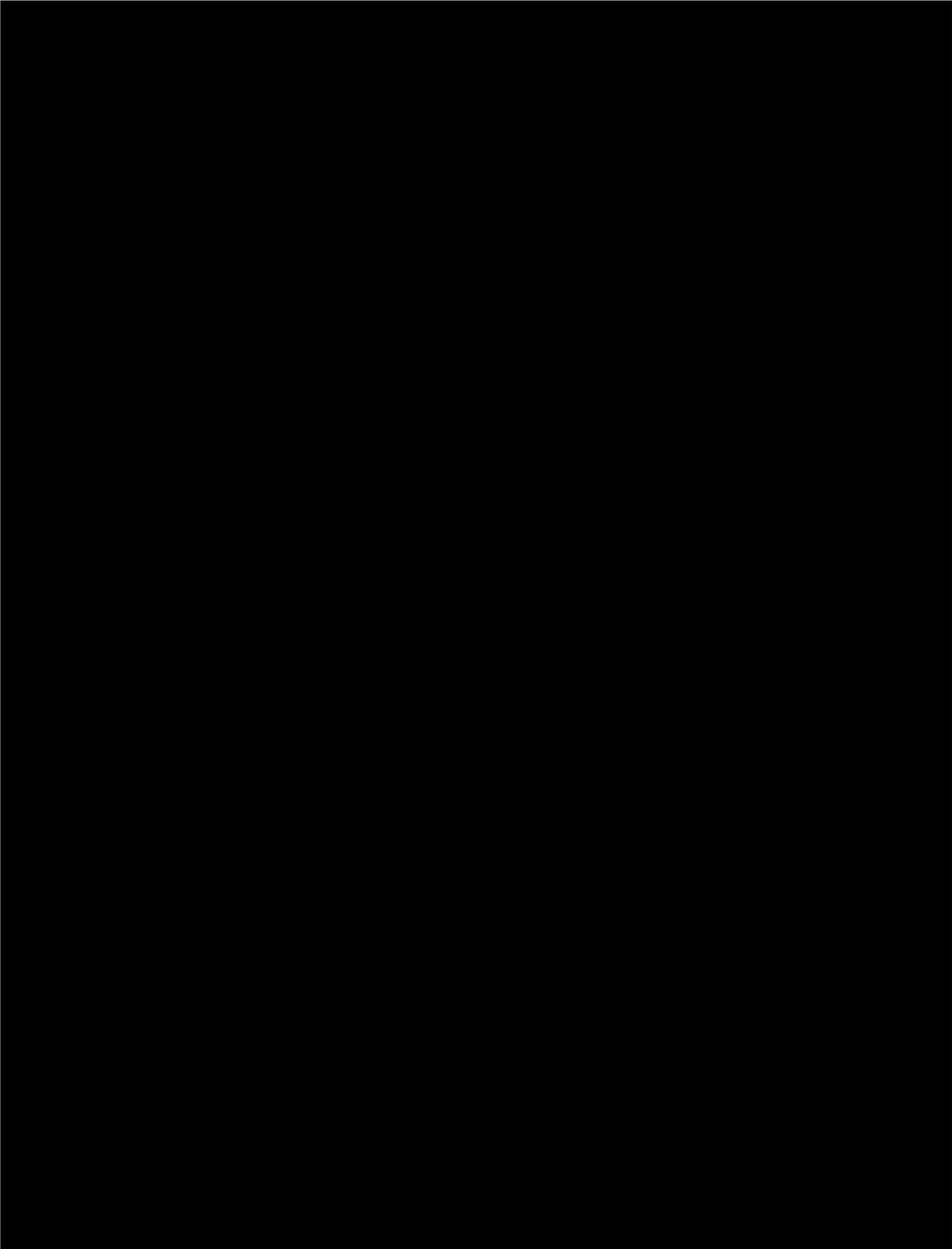


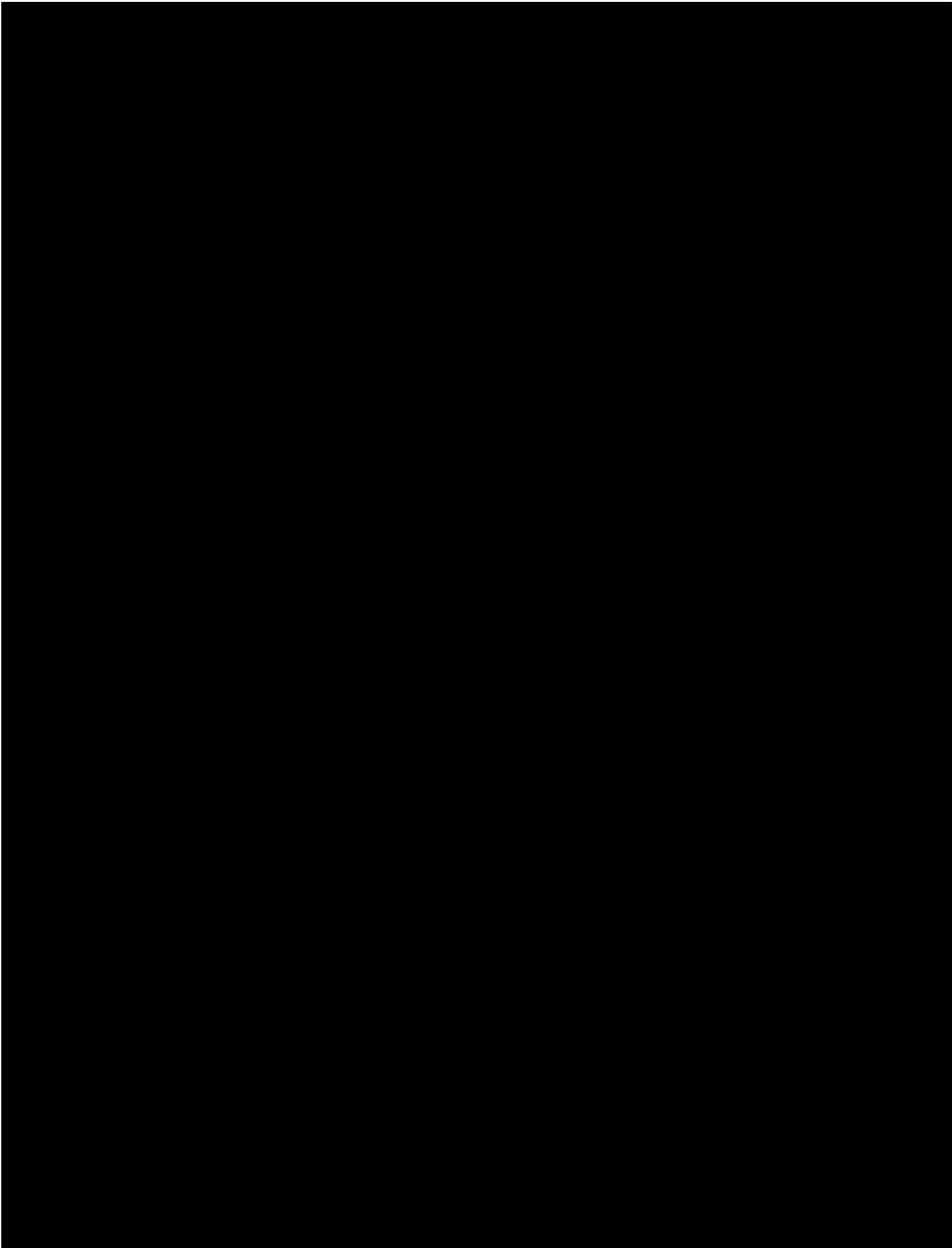


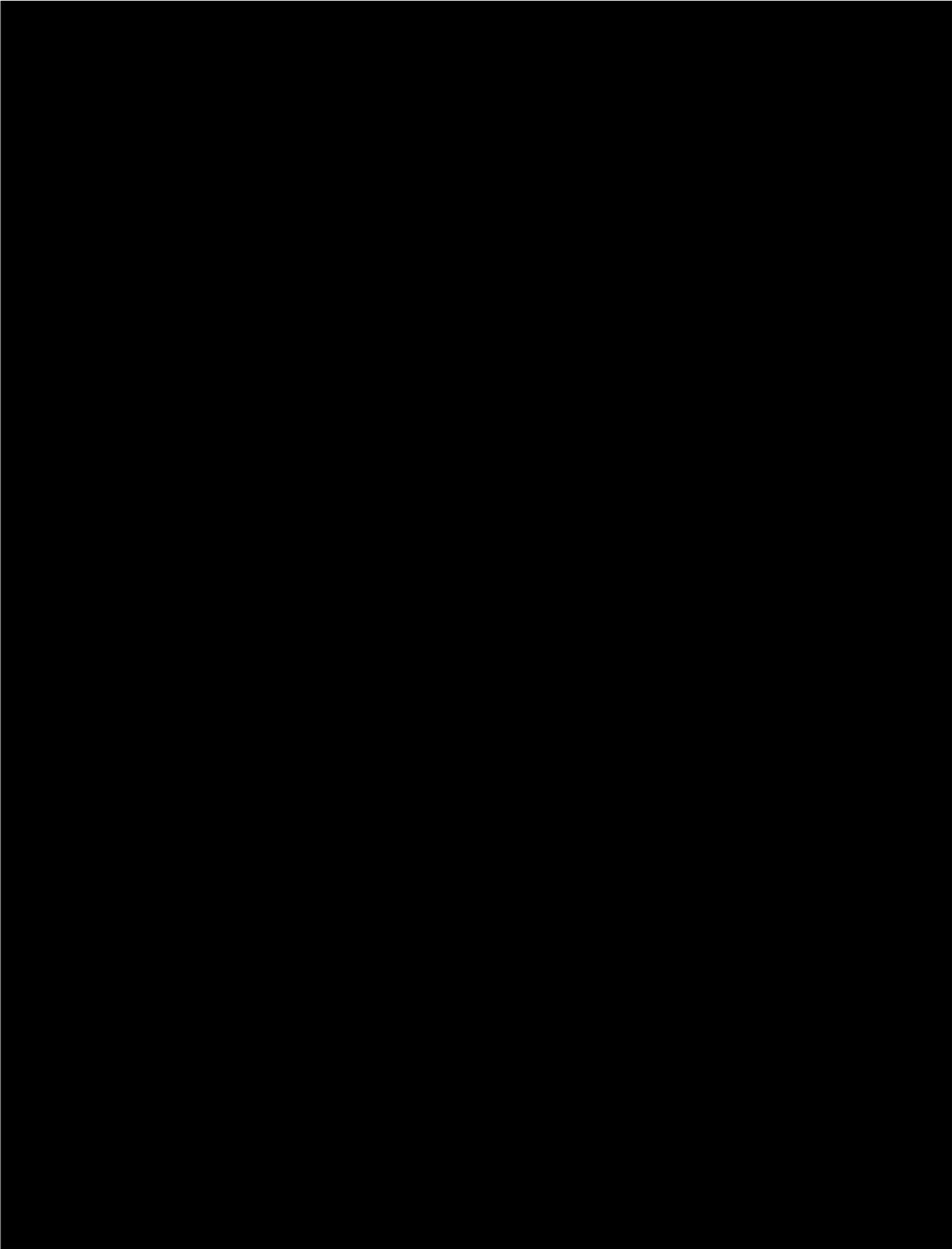


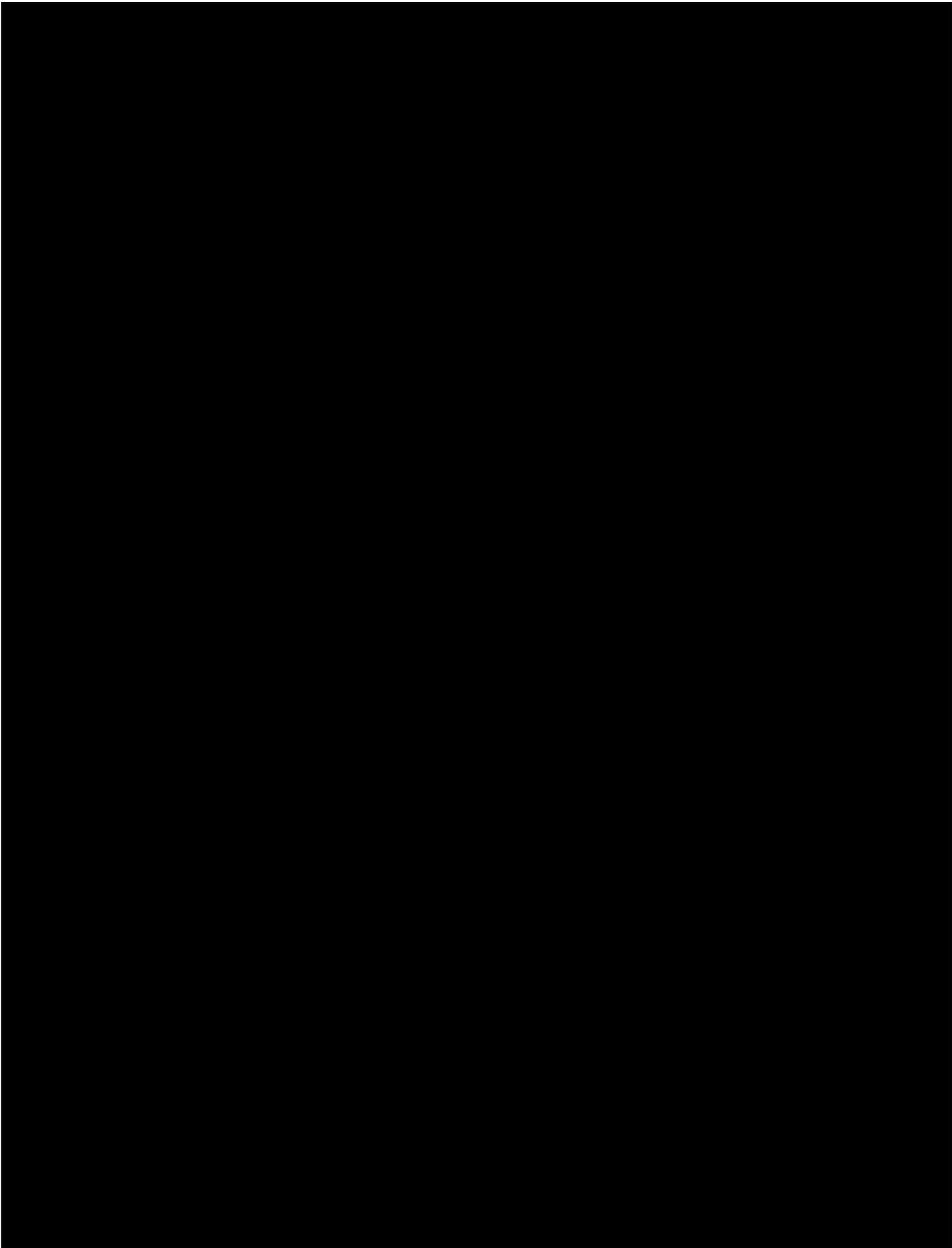


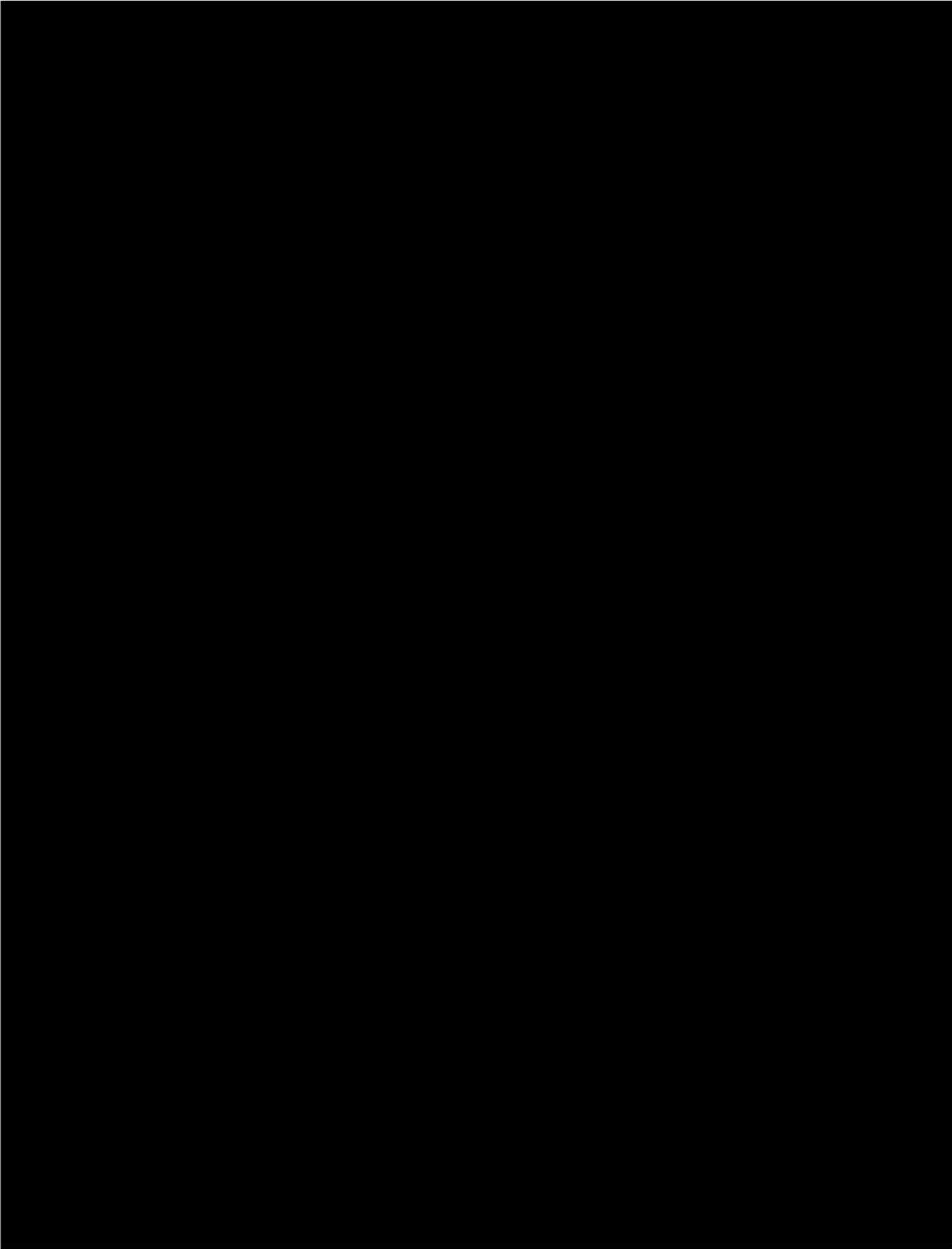


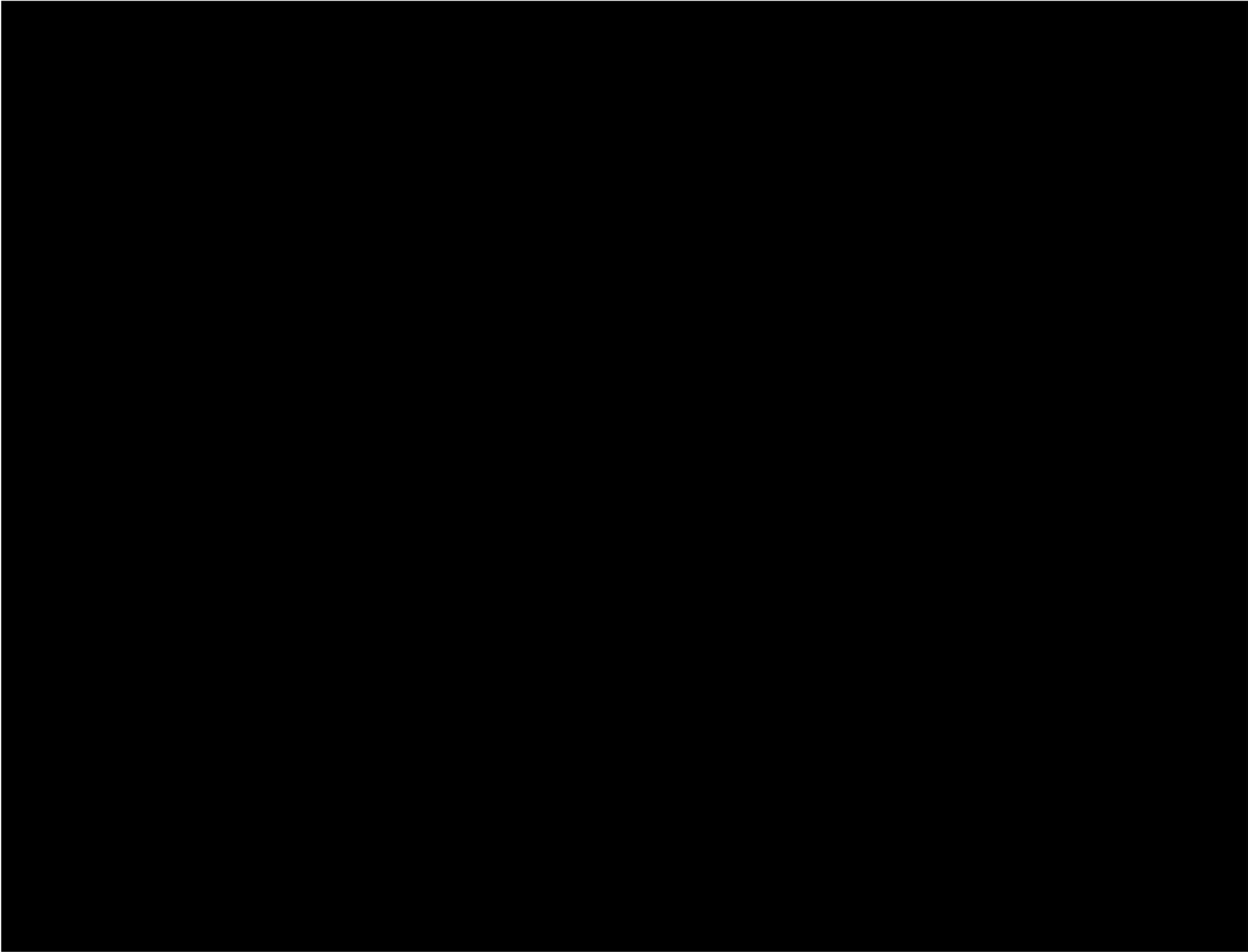












2021-015030 : Channell, Kermit - (06-05-2023)



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



May 31, 2023

Mr. Kermit B. Channell, II
Crime Lab Director
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, AR 72205

RE: Jacqueline Ashcraft, DOB: [REDACTED]

To Whom It May Concern:

Please find attached a subpoena issued by the Arkansas State Claims Commission concerning Jacqueline Ashcraft.

I have enclosed 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

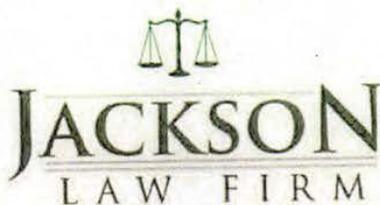
Brent Gasper
Deputy Director of OCC

/ddc
Enclosure

humanservices.arkansas.gov
Protecting the vulnerable, fostering independence and promoting better health

Hudson000478

2021-015030 : Bargiel, Sandra - (01-18-2023)



January 14, 2023

VIA CERTIFIED MAIL,

Ms. Sandra Bargiel
 Arkansas State Crime Laboratory
 3 Natural Resources Drive
 Little Rock, AR 72205

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

Dear Ms. Bargiel:

I represent the Claimant in the above referenced matter pending before the Arkansas State Claims Commission. This is a wrongful death claim arising from a motor vehicle accident.

Please find enclosed a Toxicology Report Request Form for Jennifer Wilkerson and Jacqueline Ashcraft, deceased along with a Subpoena issued by the Arkansas State Claims Commission's Executive Director, Kathryn Irby, *Esq.* Also enclosed is a check from my law firm in the amount of \$50.00 made payable to the Arkansas State Crime Laboratory.

Can you send a PDF of the toxicology results to my office at: Jim@JimJacksonatty.com or fax it to my attention at (501) 823-3611?

Please call me at (501) 823-3610 with any questions or suggestions. Enclosed is a copy of Trooper Ray's accident report which references the toxicology tests.

Sincerely,

Jim R. Jackson

✓ JRJ/mc
 Enclosure

cc: Brent Gasper, *Esq.*
 Kathryn Irby, *Esq.*

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

Hudson000479

Issued by the
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] [REDACTED]
[REDACTED] [REDACTED], Minor Children, Claimant

SUBPOENA

CLAIM NO. 230641

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES, Respondent

TO: **Kermit B. Channell, II**
Crime Lab Director
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, AR 72205

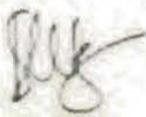
____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place,
date, and time specified below to testify in the above case.

____ 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):

BAC test and drug test results from p. 2 of the attached accident report.



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

January 12, 2023

Date

Hudson000480



Arkansas State Crime Laboratory

Toxicology Report Request Form



A copy of the toxicology report can be requested by submitting the following required items:

- 1) Written authorization from one of the following:
 - a) the prosecuting attorney of the county where the incident occurred, or
 - b) a court of competent jurisdiction, and
- 2) A cashier's check or money order for \$50, made payable to the Arkansas State Crime Laboratory.
Please do not send cash.

Name of tested individual: Jennifer Leann Wilkerson

Date of incident: June 11, 2021

Requester Information

Requester's name: Jim Jackson

Relationship to tested individual: Attorney at Law - See Attached Subpoena Duces Tecum

Street address: 700 W. Broadway Street, Suite 200

City, state, ZIP: North Little Rock, AR 72114

Email address: Jim@JimJacksonatty.com

Telephone number: 501-823-3610

Signature of requester: *Jim Jackson*

Please mail request to: Arkansas State Crime Laboratory
ATTN: Sandra Bargiel, (501) 683-6223
3 Natural Resources Drive
Little Rock AR 72205



Arkansas State Crime Laboratory

Toxicology Report Request Form



A copy of the toxicology report can be requested by submitting the following required items:

- 1) Written authorization from one of the following:
 - a) the prosecuting attorney of the county where the incident occurred, or
 - b) a court of competent jurisdiction, and
- 2) A cashier's check or money order for \$50, made payable to the Arkansas State Crime Laboratory.
Please do not send cash.

Name of tested individual: Jacqueline Lynn Ashcraft

Date of incident: June 11, 2021

Requester Information

Requester's name: Jim Jackson

Relationship to tested individual: Attorney at Law - See Attached Subpoena Duces Tecum

Street address: 700 W. Broadway Street, Suite 200

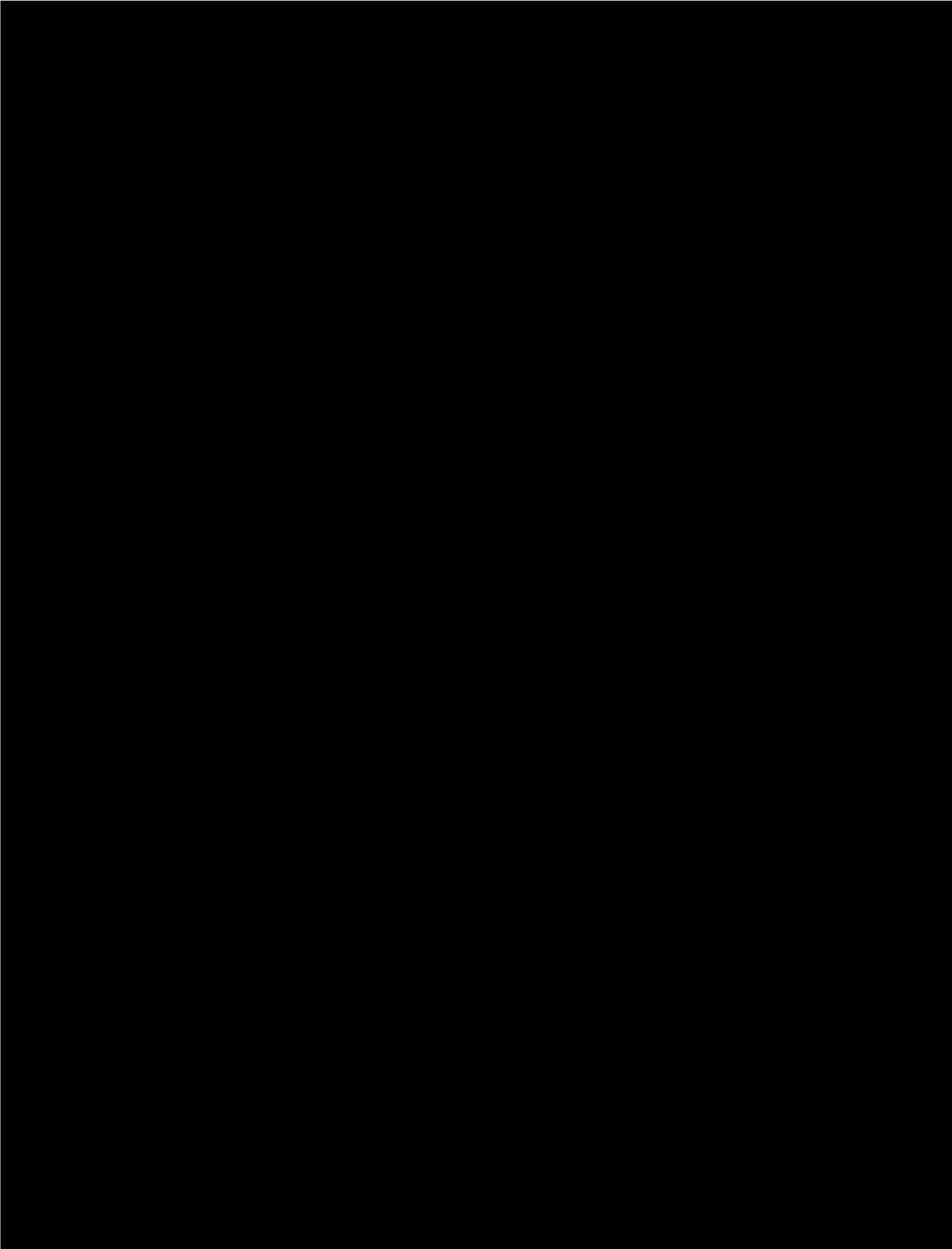
City, state, ZIP: North Little Rock, AR 72114

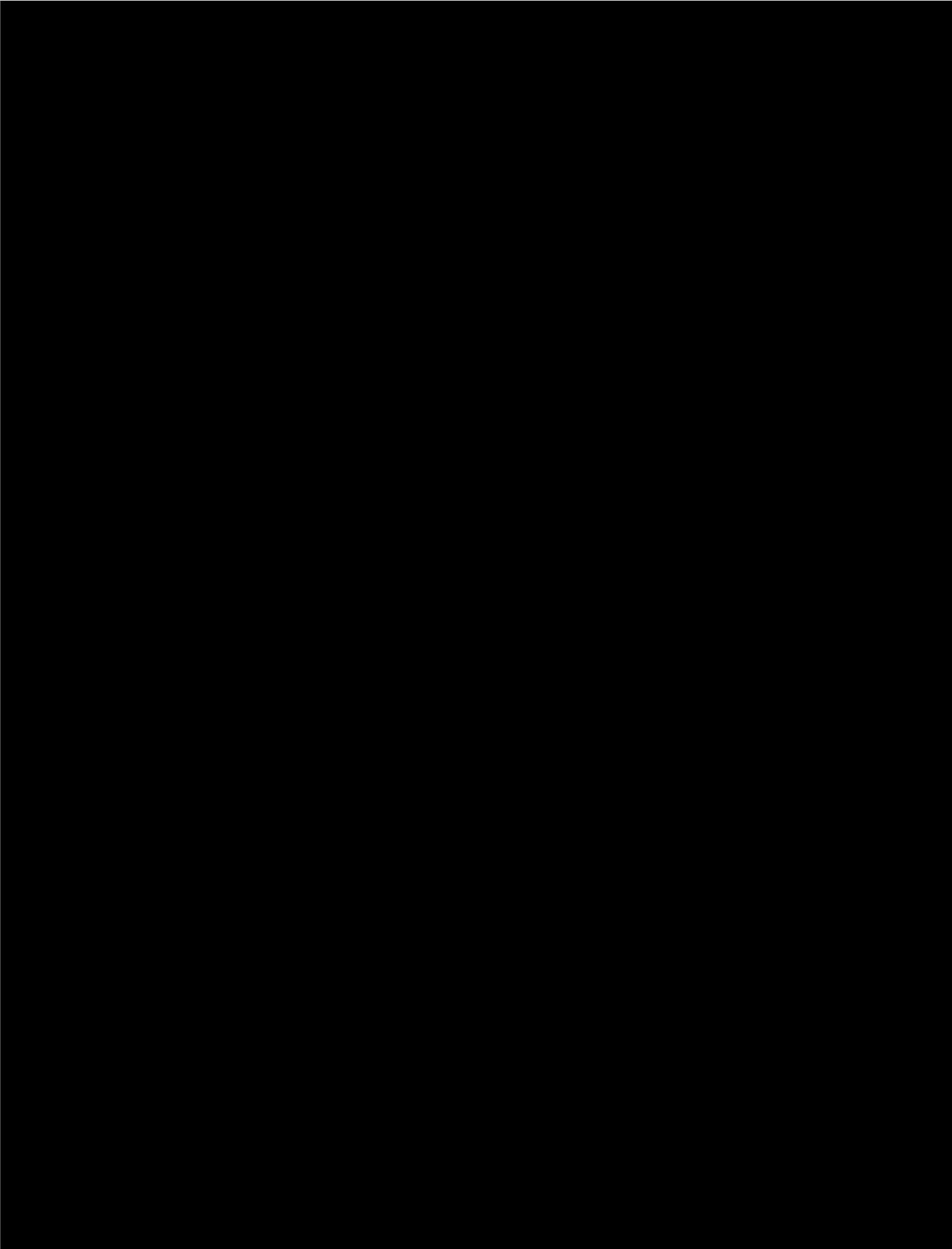
Email address: Jim@JimJacksonatty.com

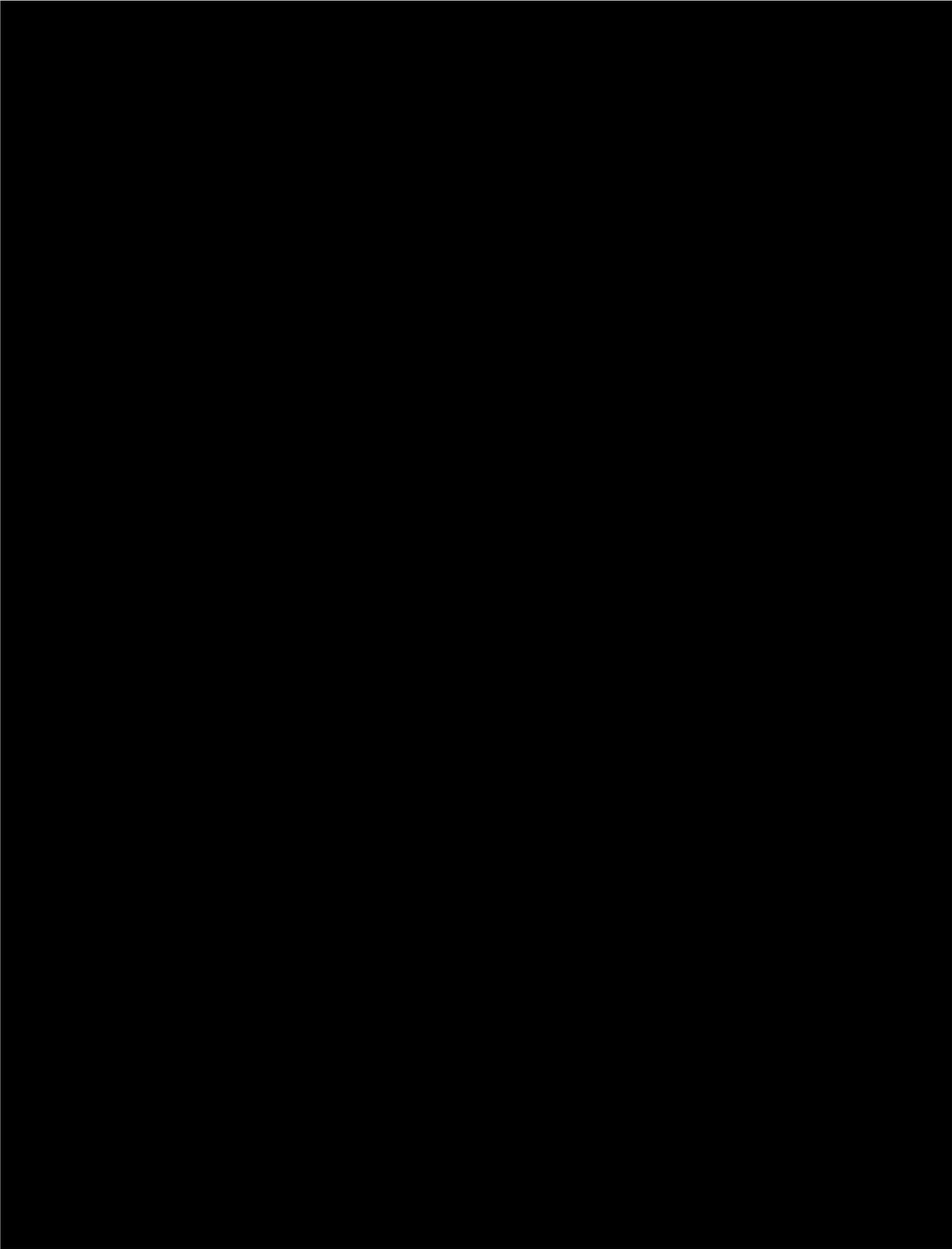
Telephone number: 501-823-3610

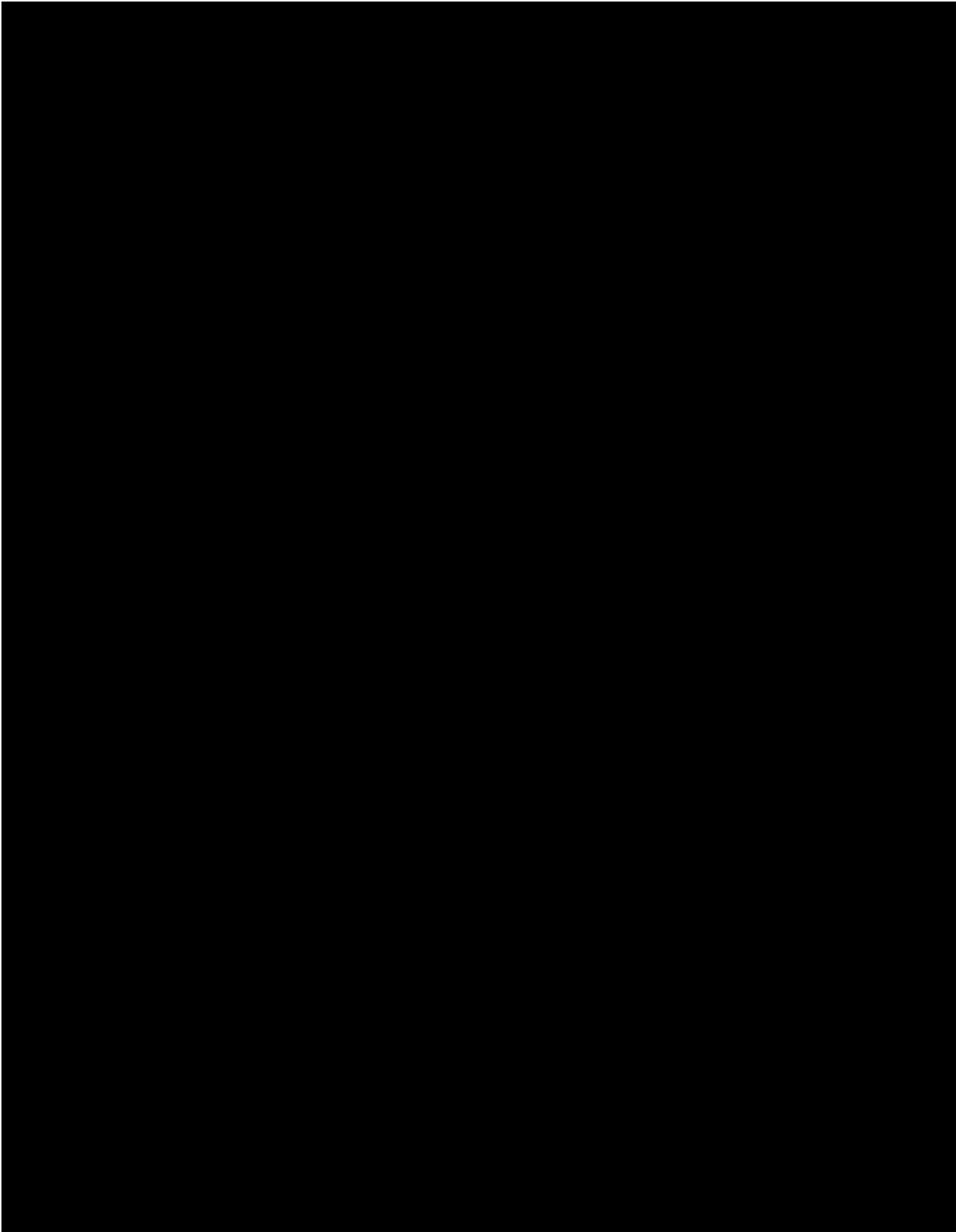
Signature of requester: *Jim Jackson*

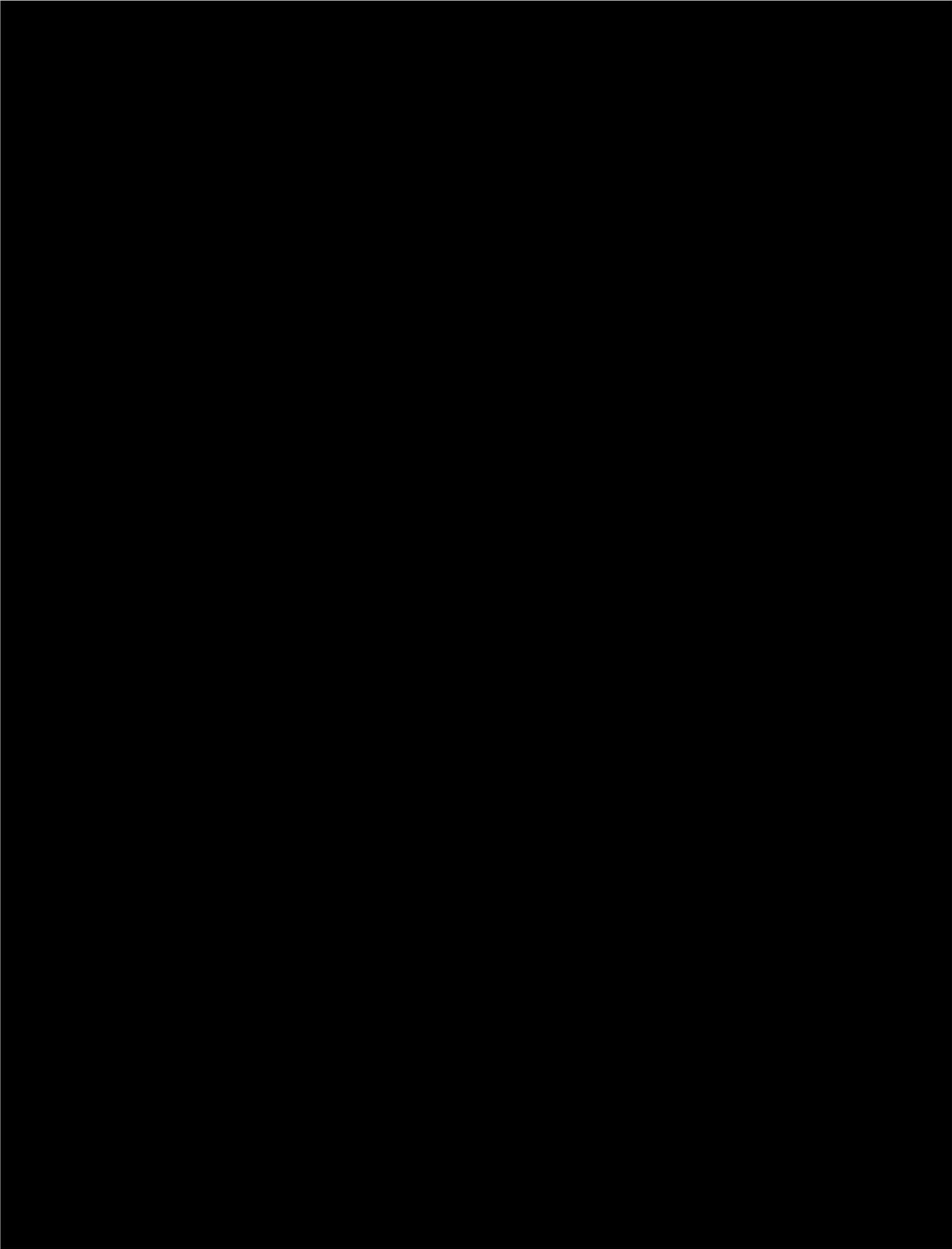
Please mail request to: Arkansas State Crime Laboratory
ATTN: Sandra Bargiel, (501) 683-6223
3 Natural Resources Drive
Little Rock AR 72205

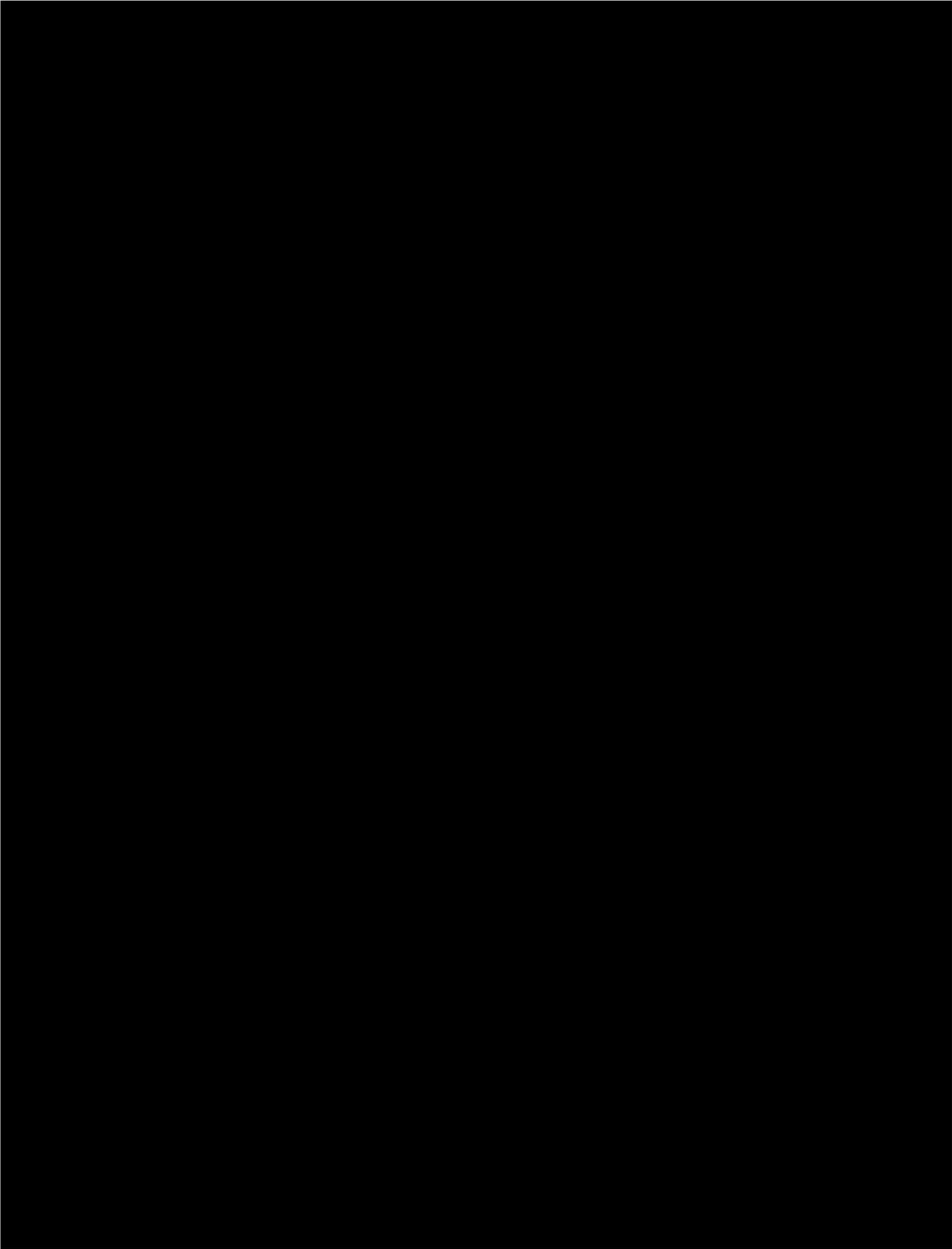


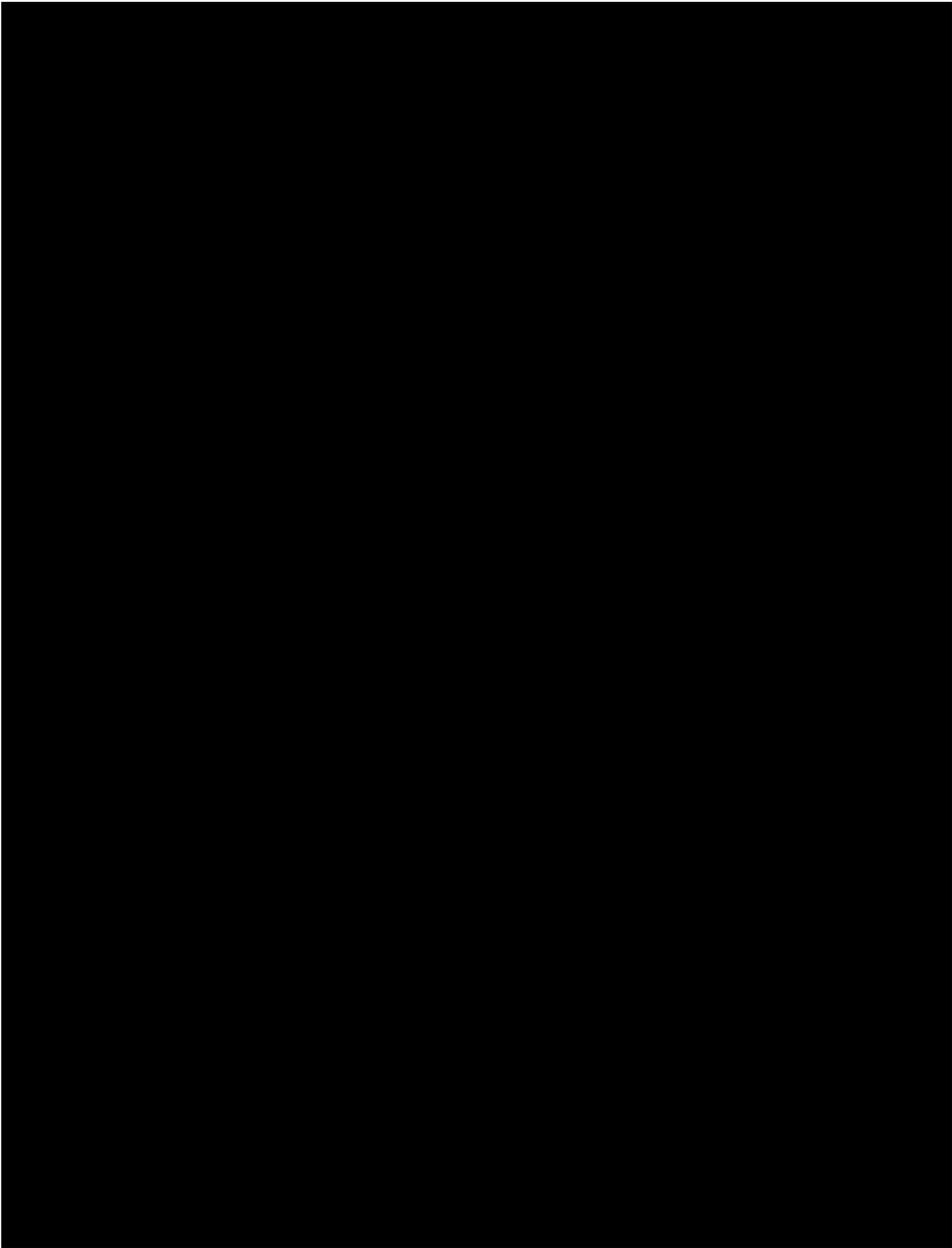


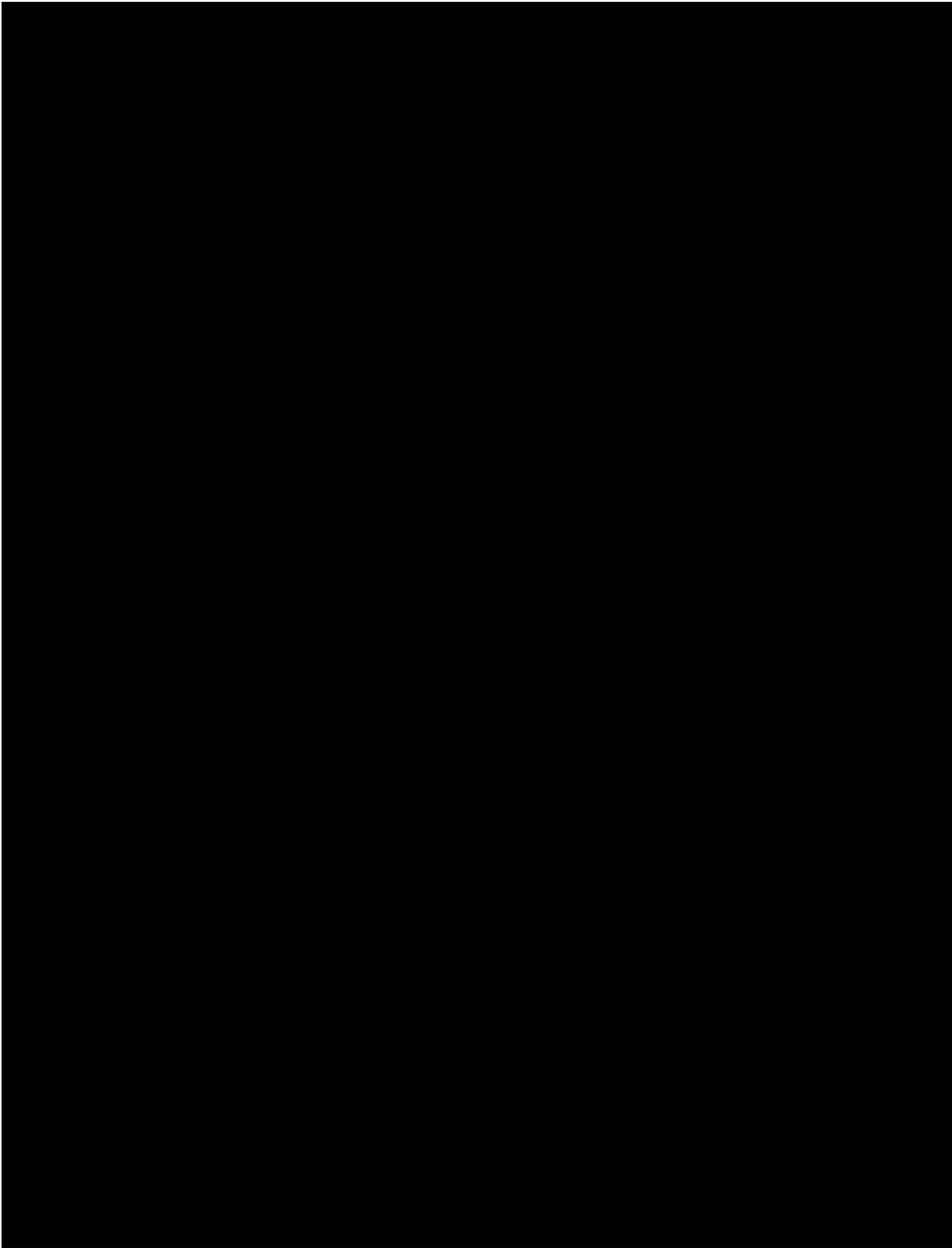


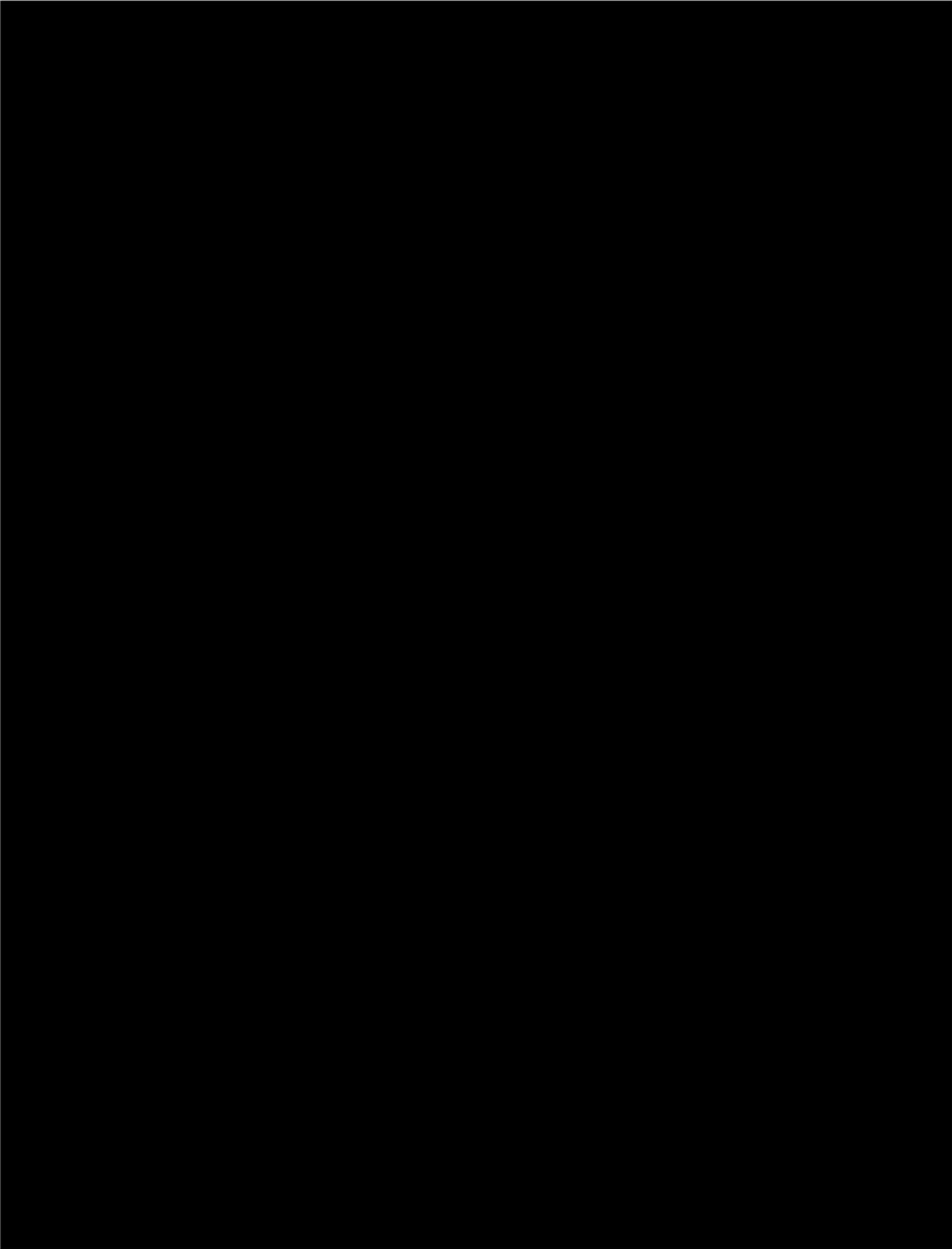


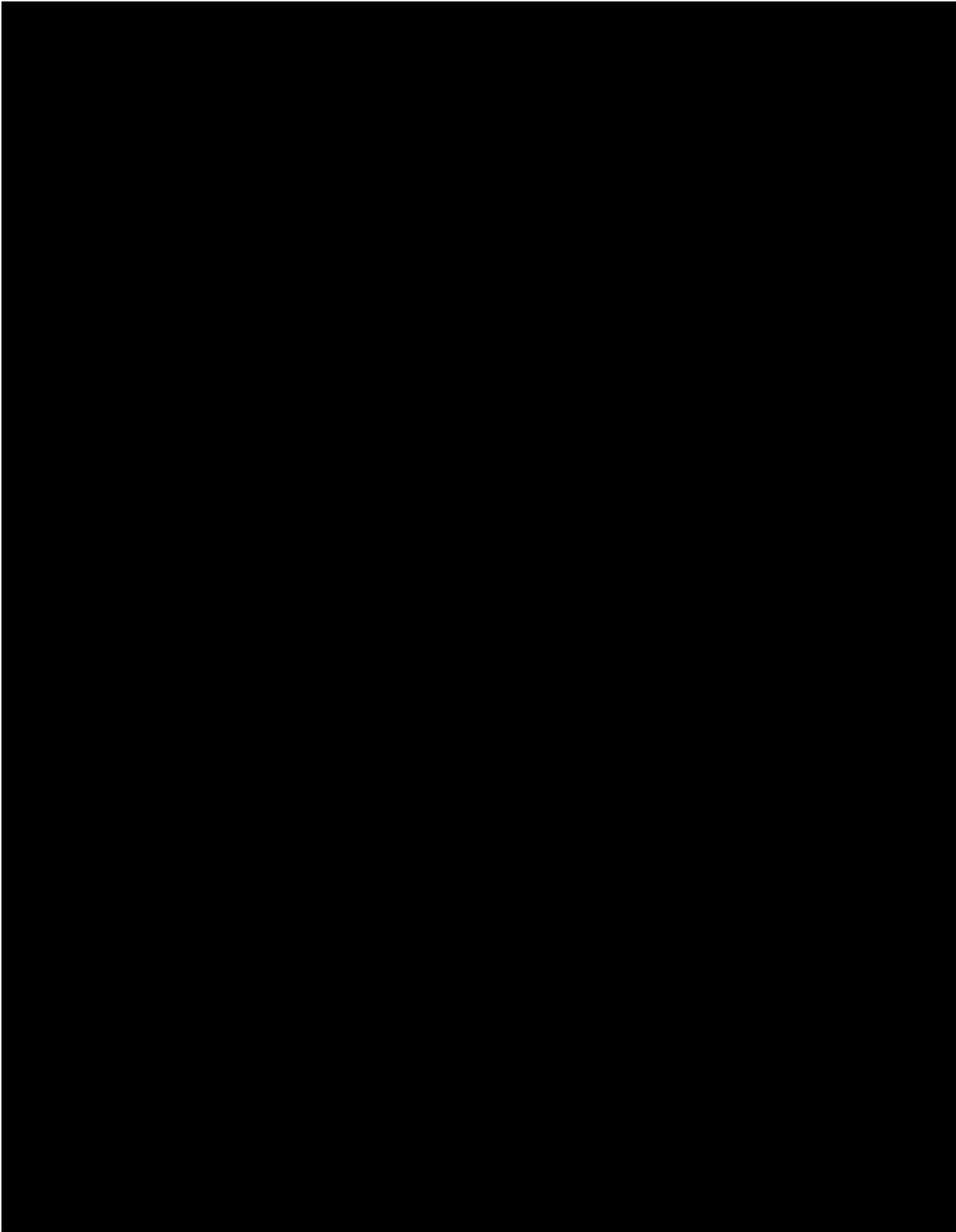


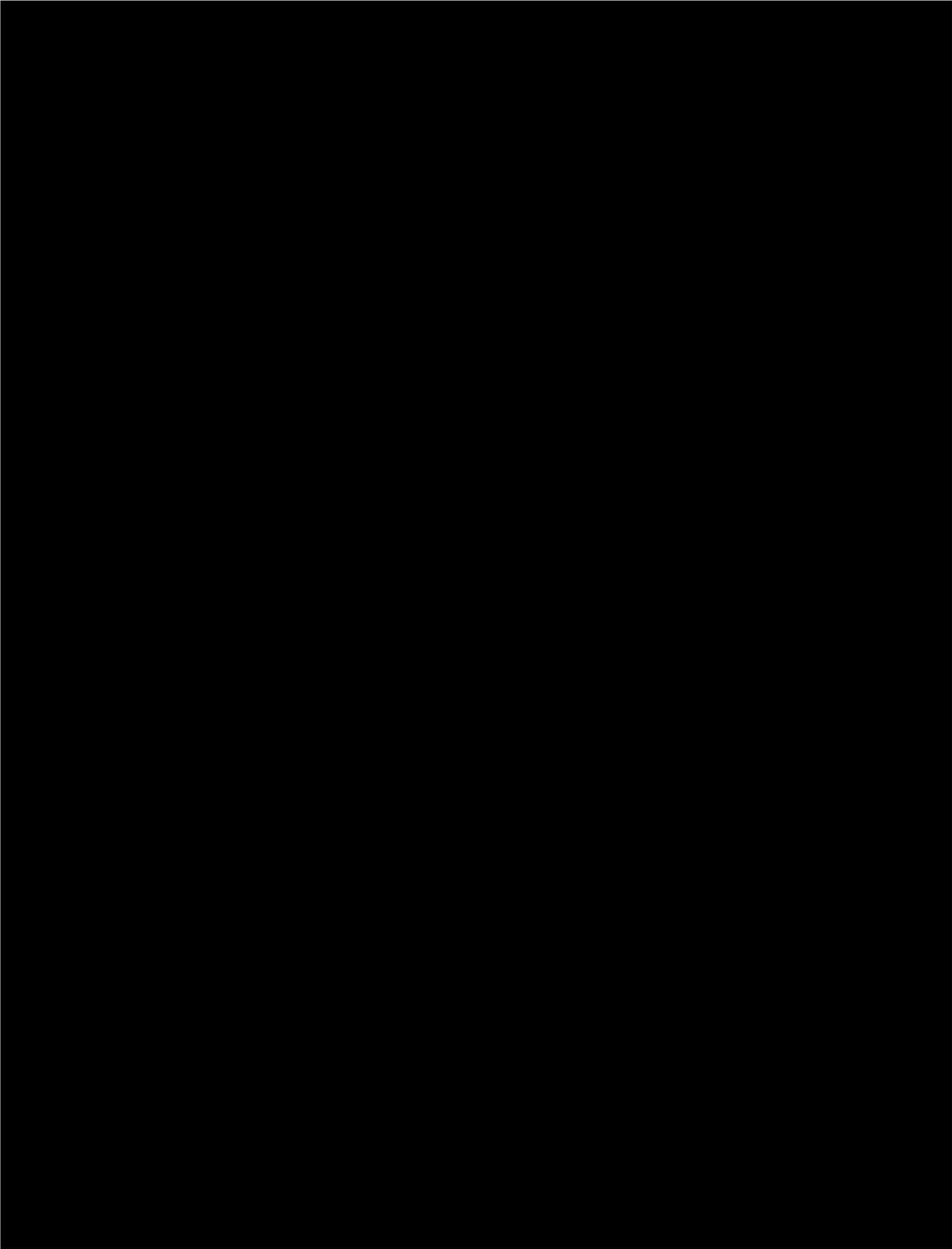


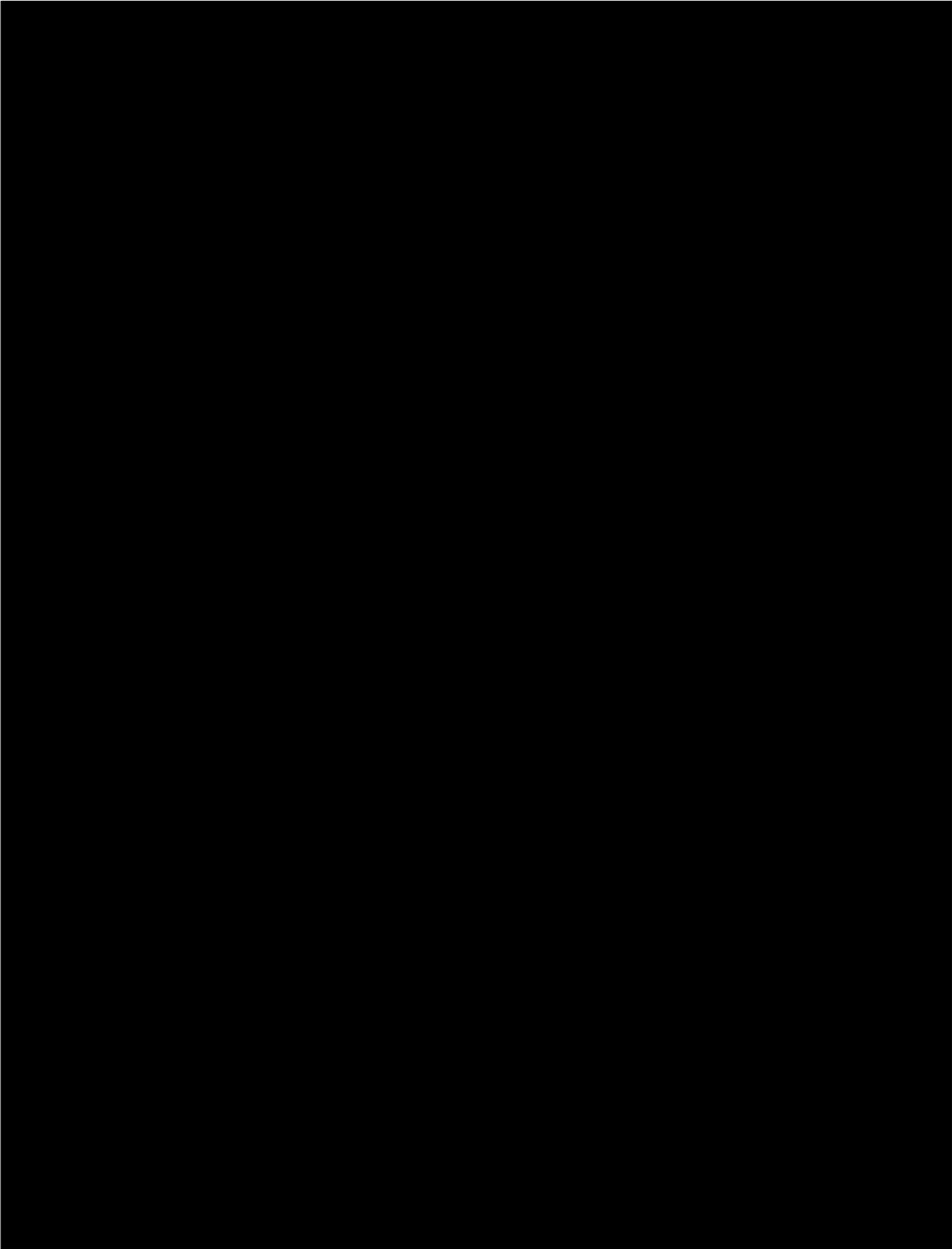


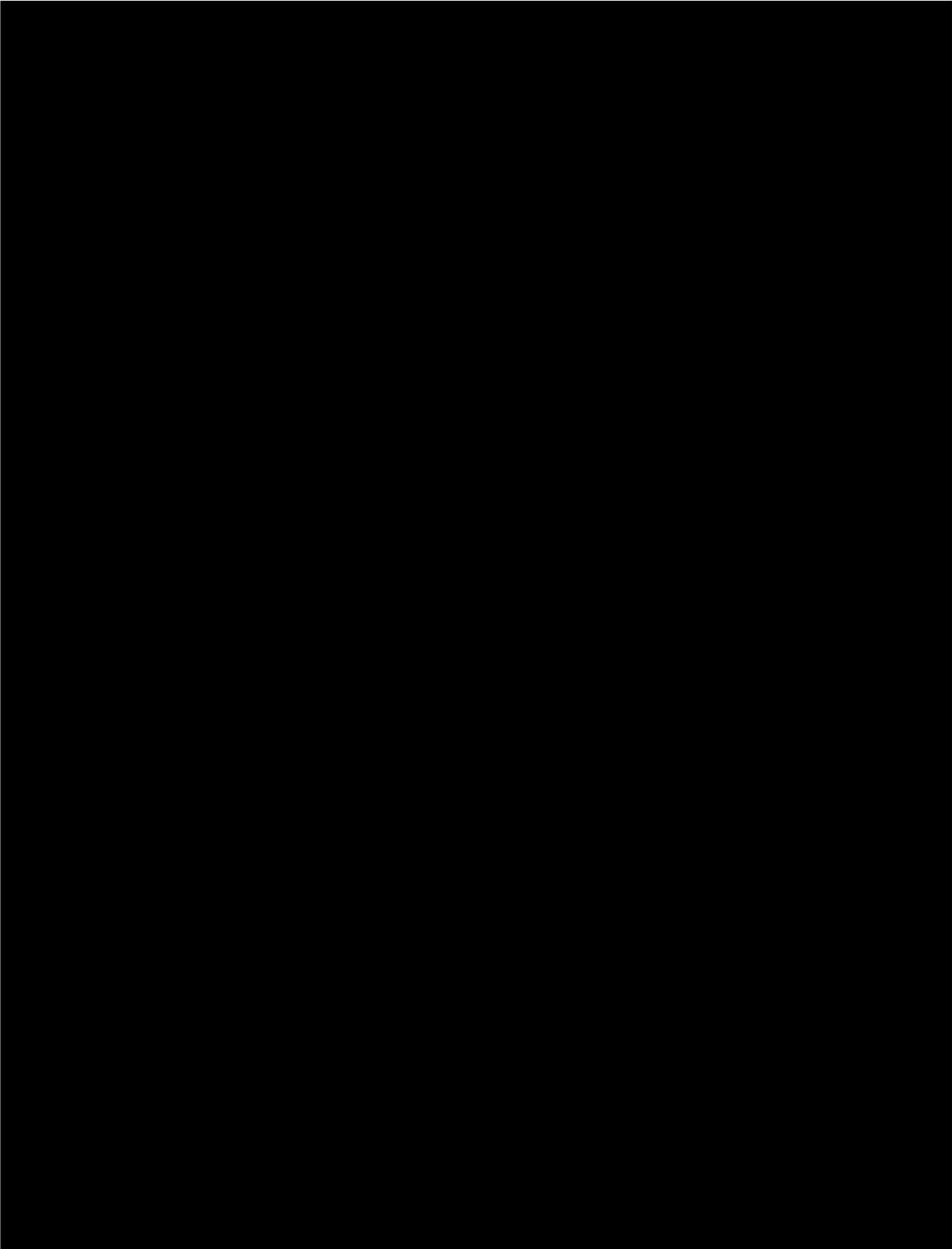


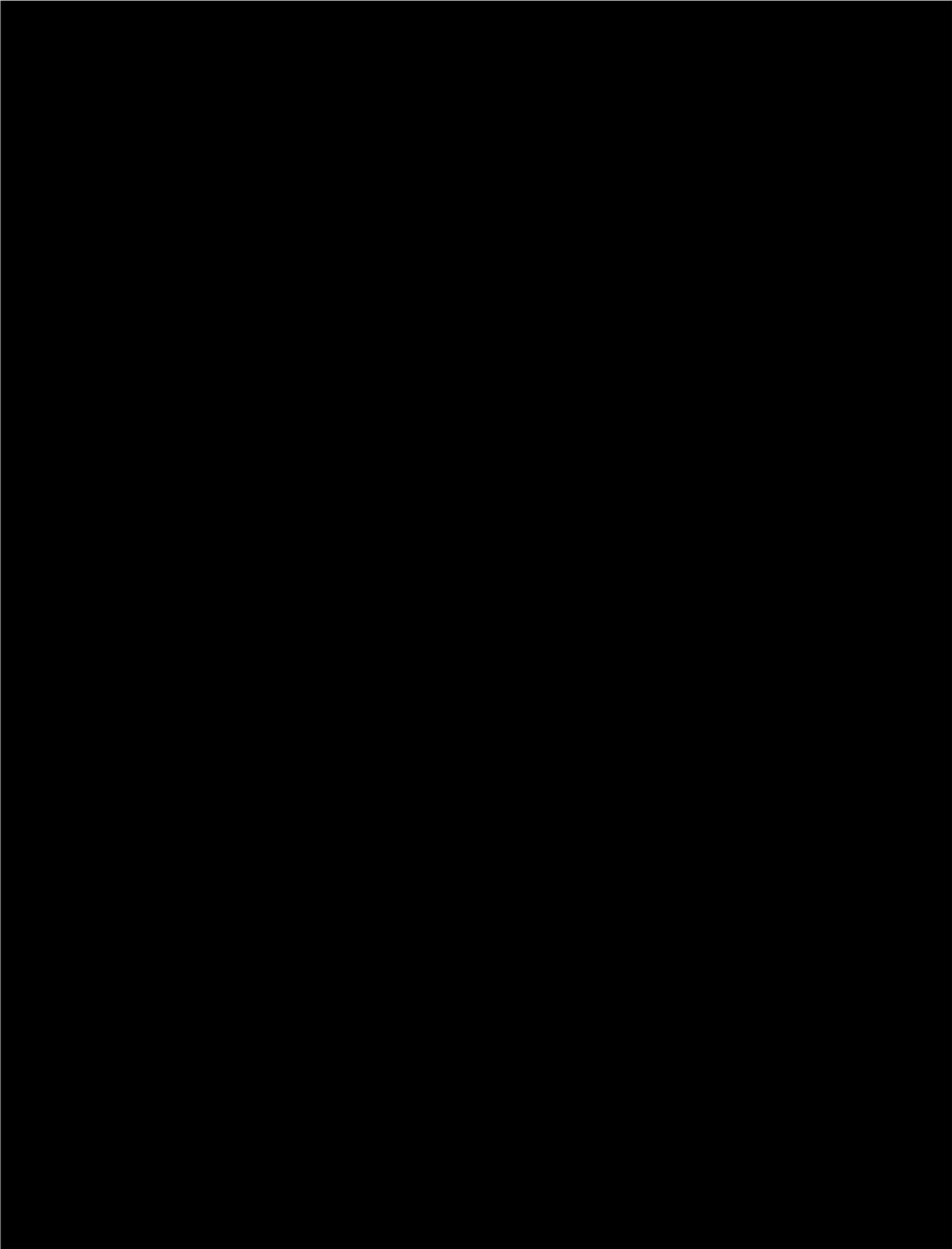


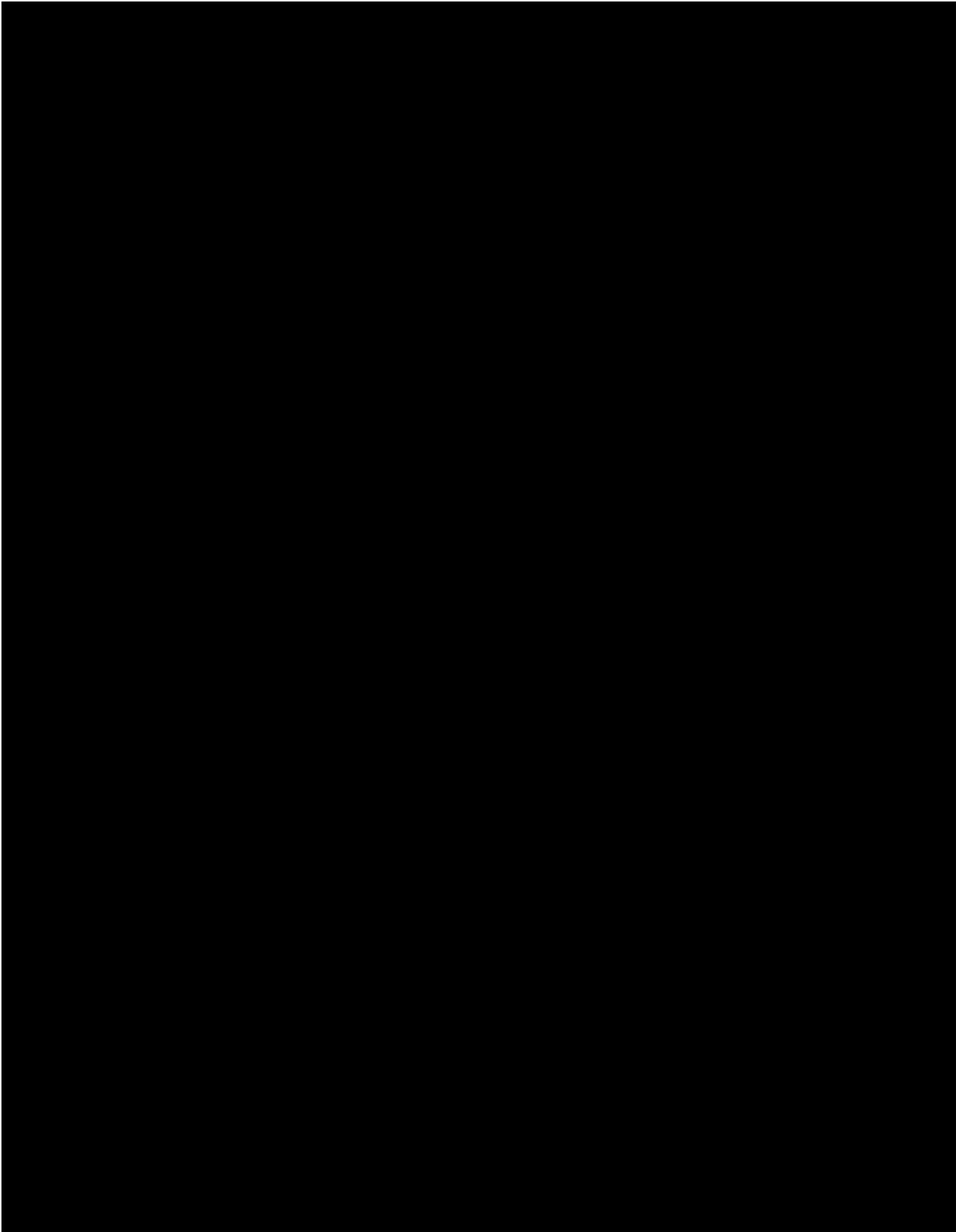


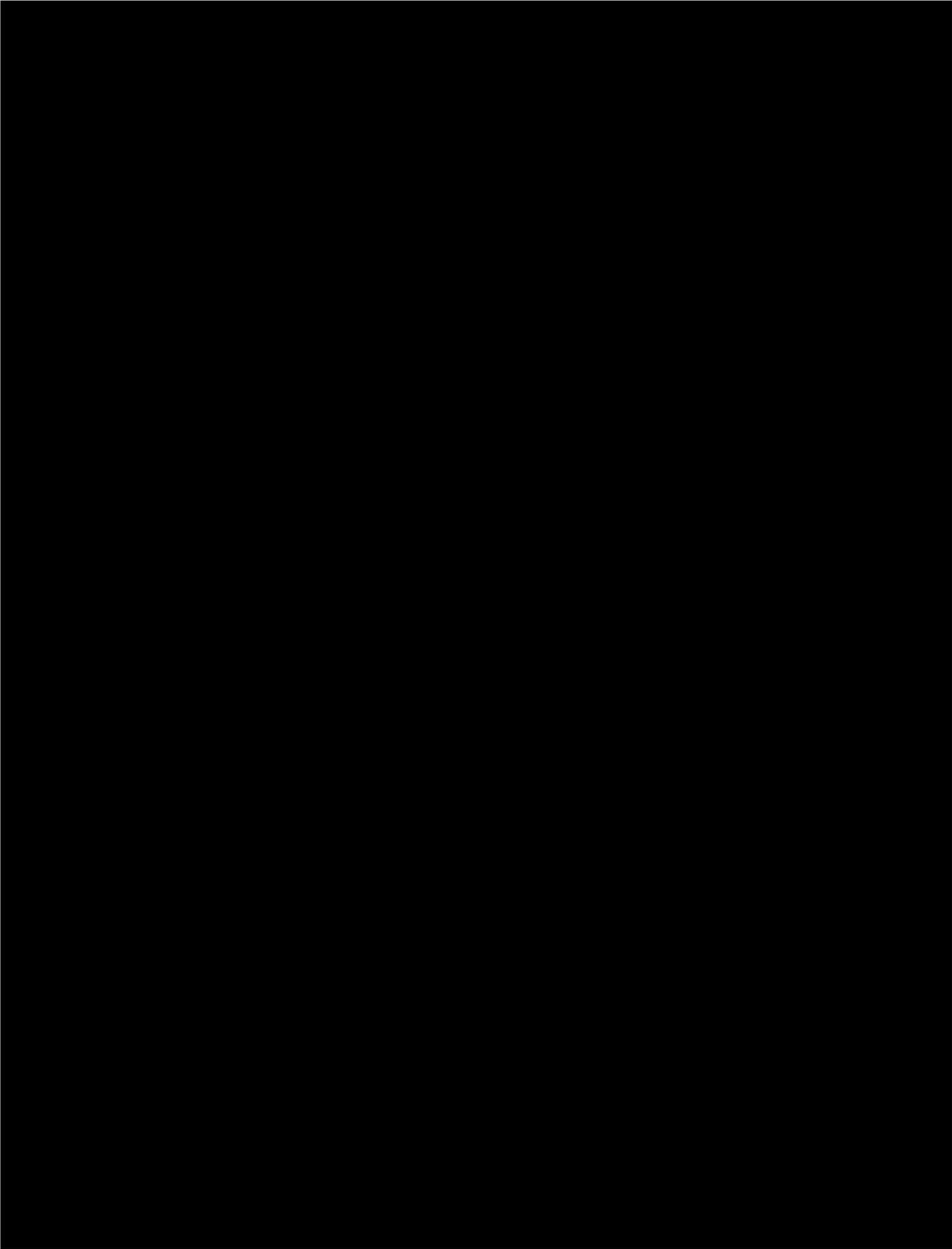


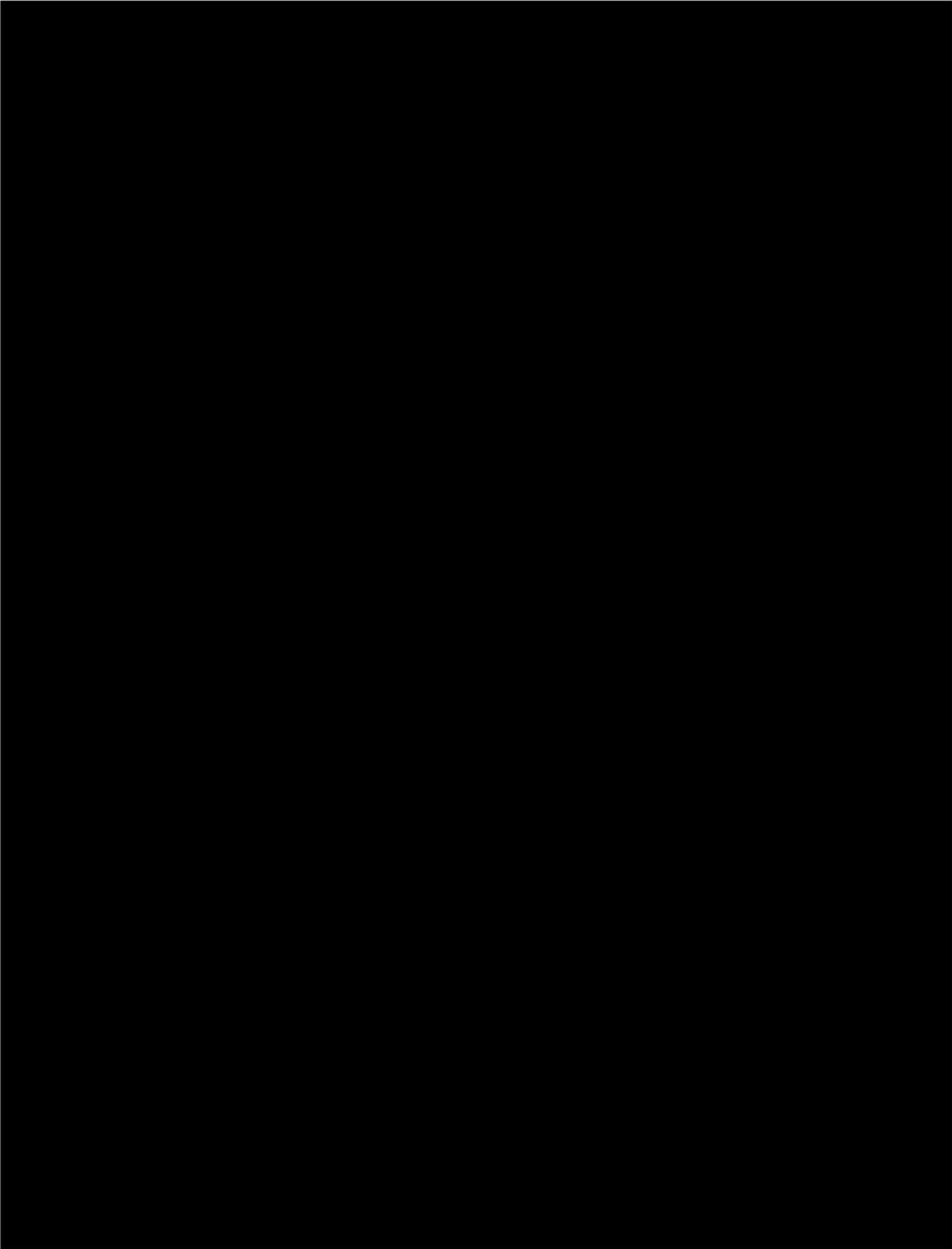


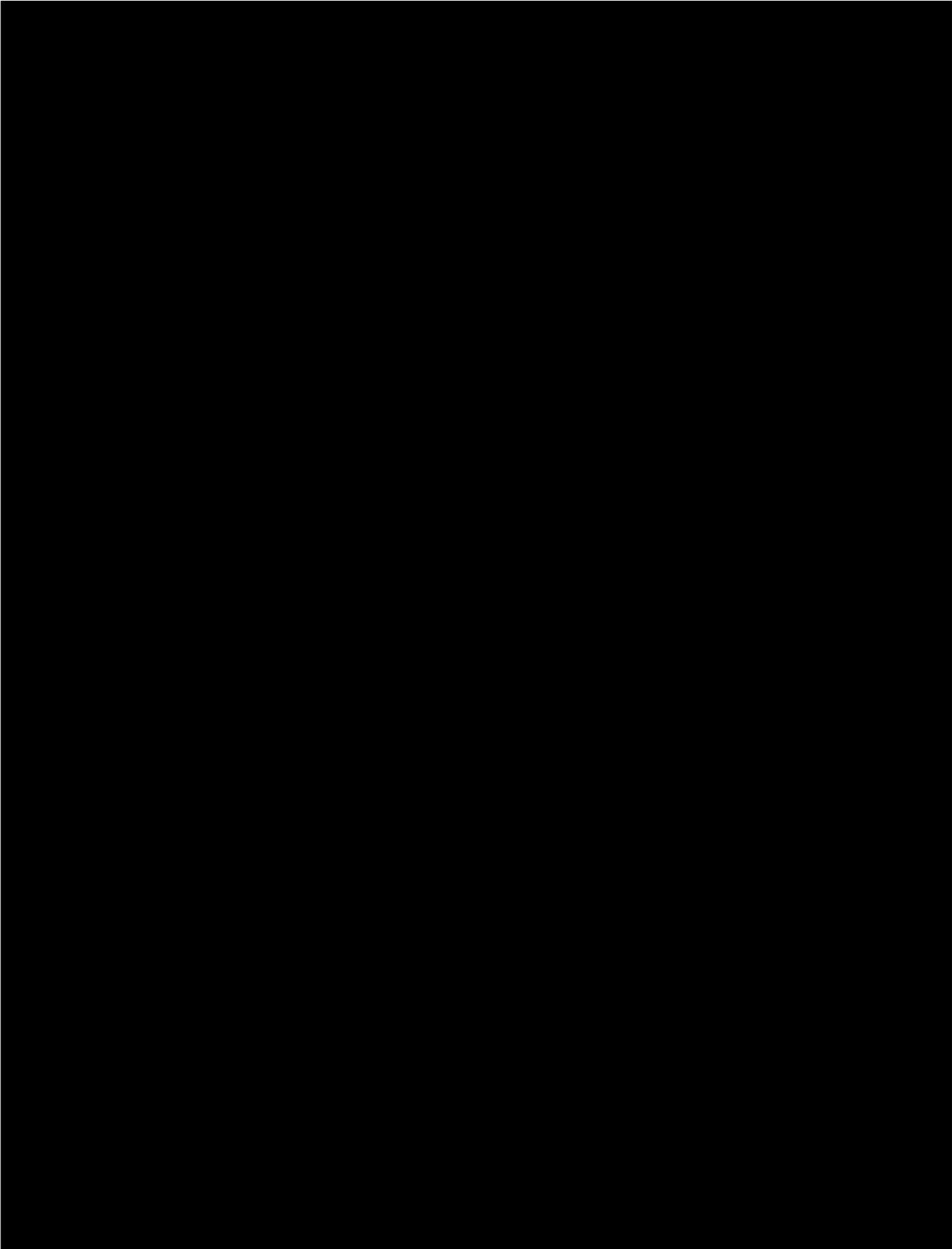


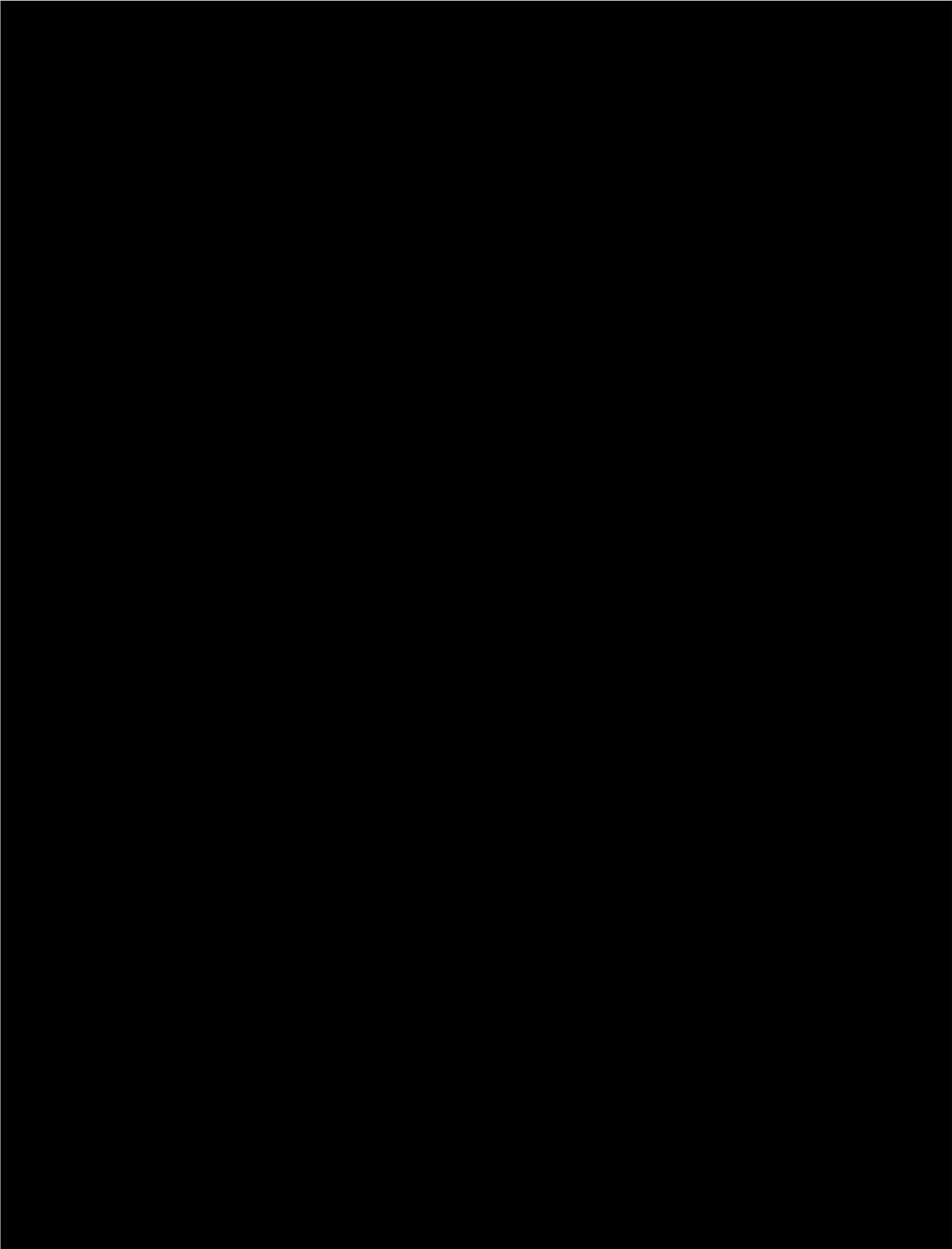


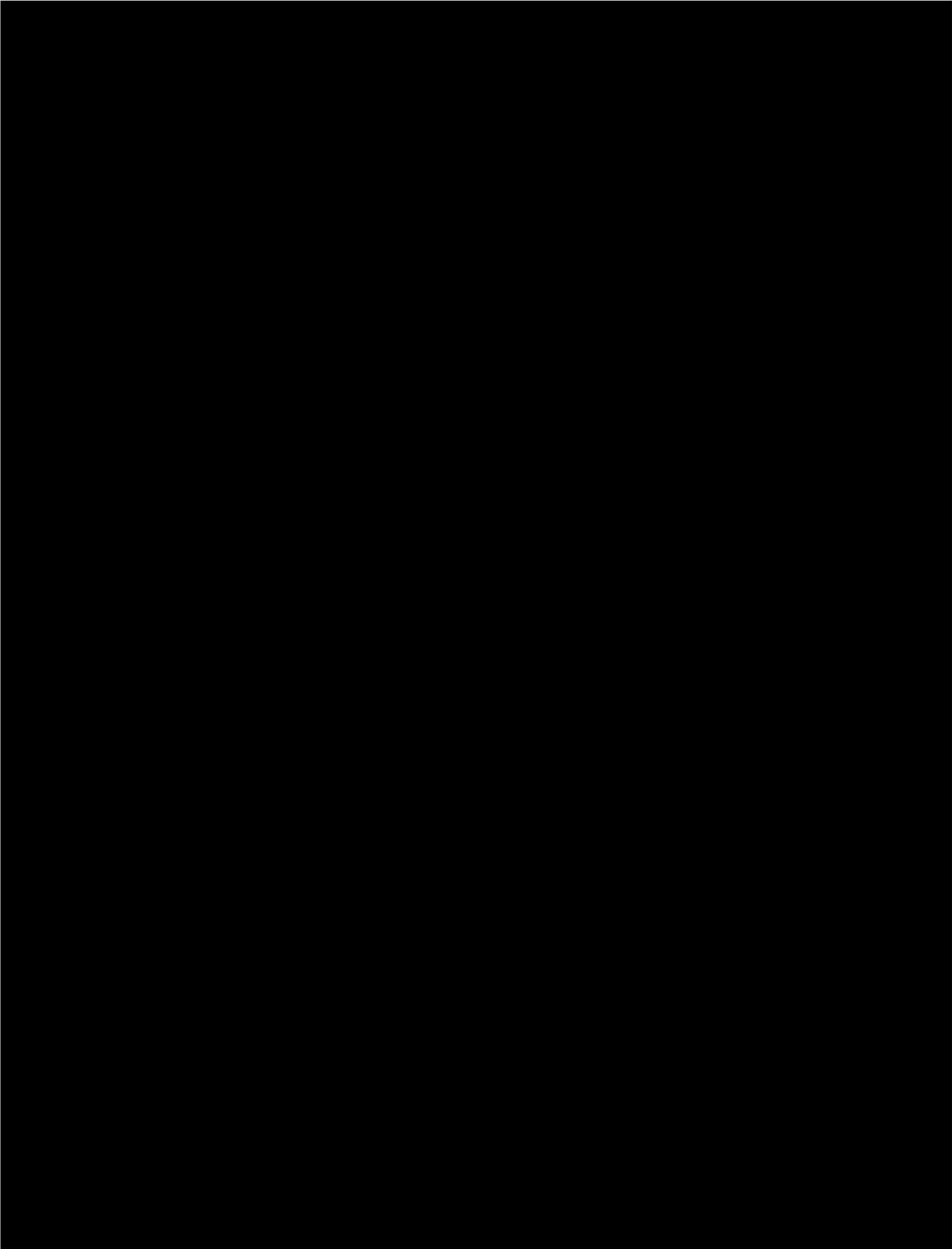


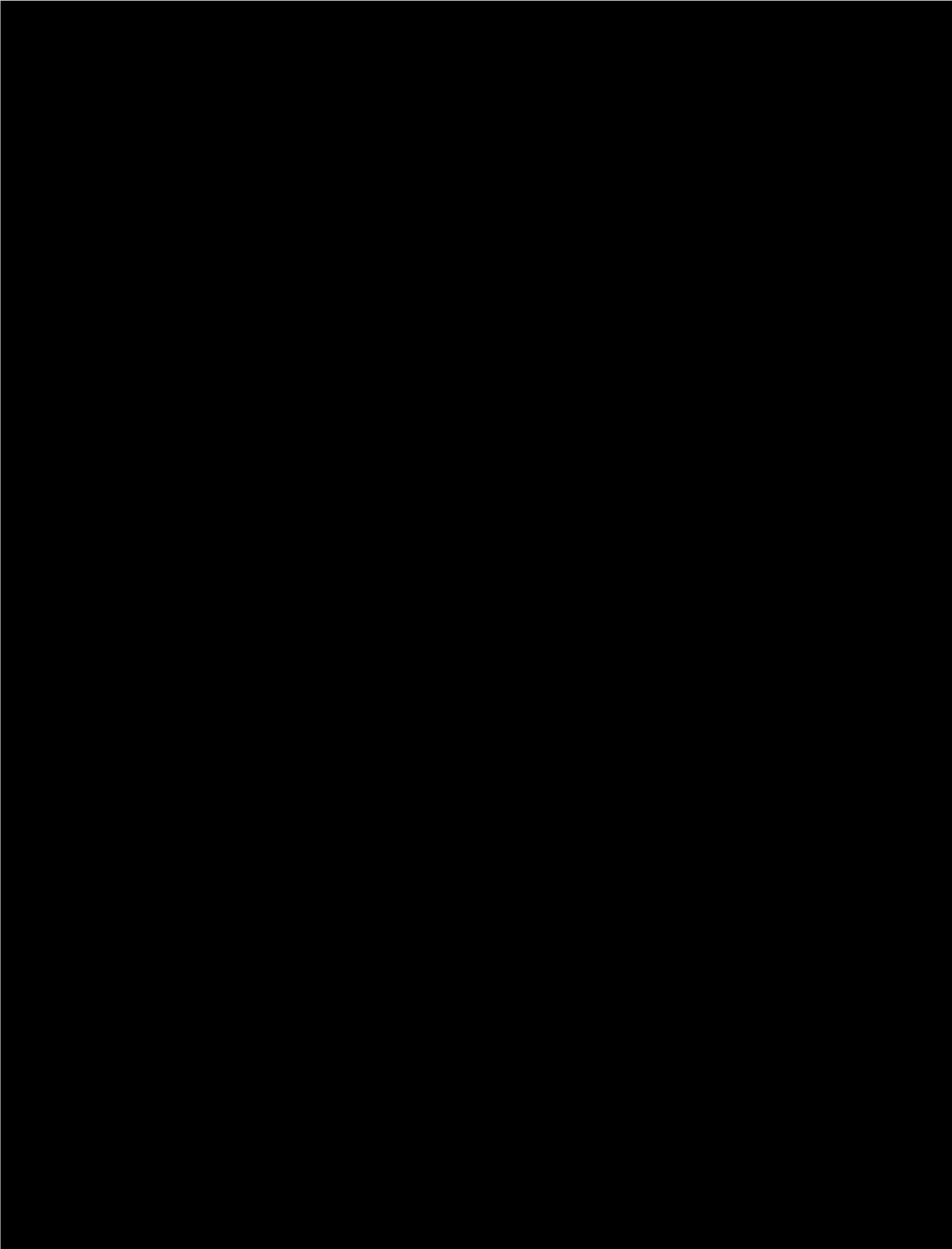


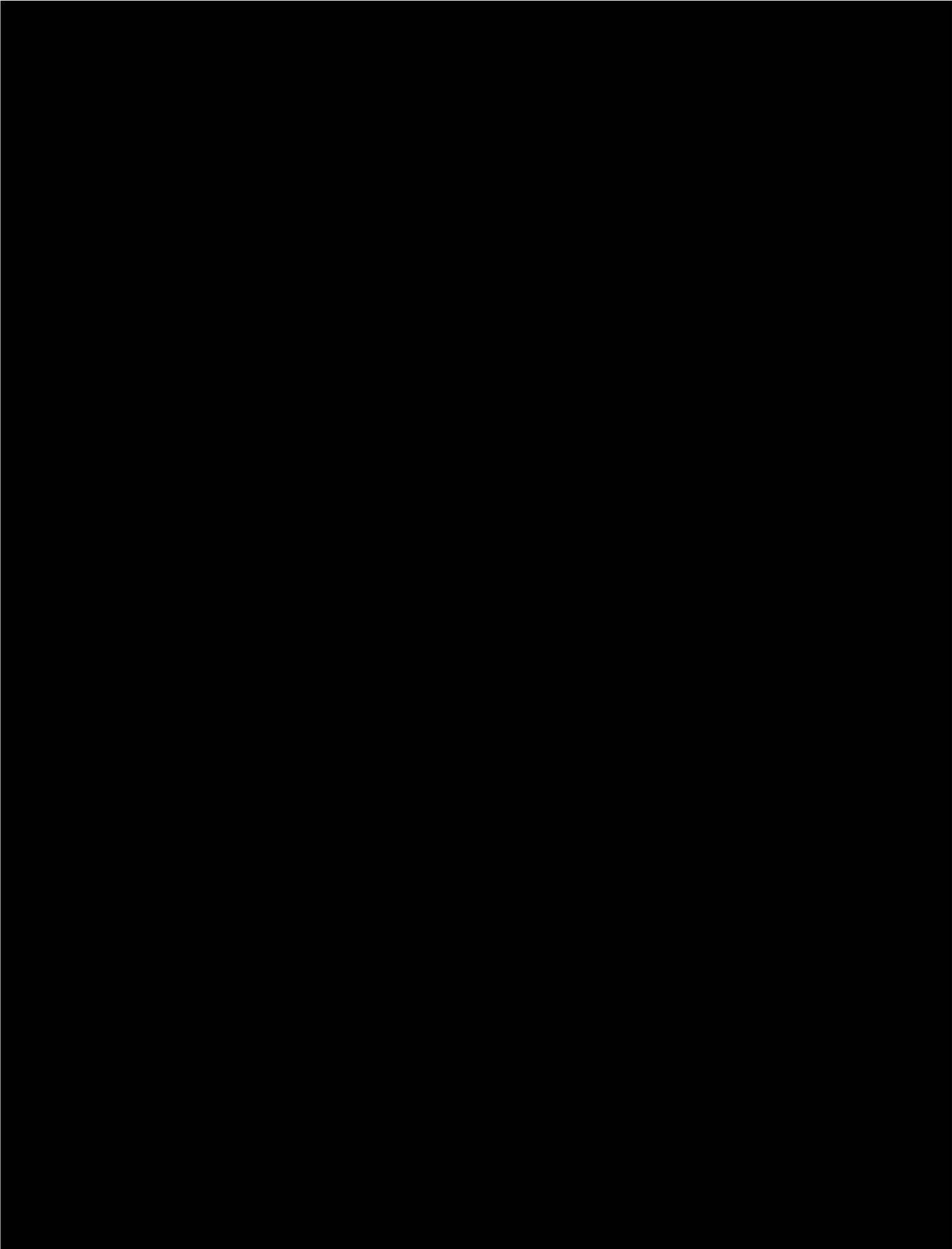


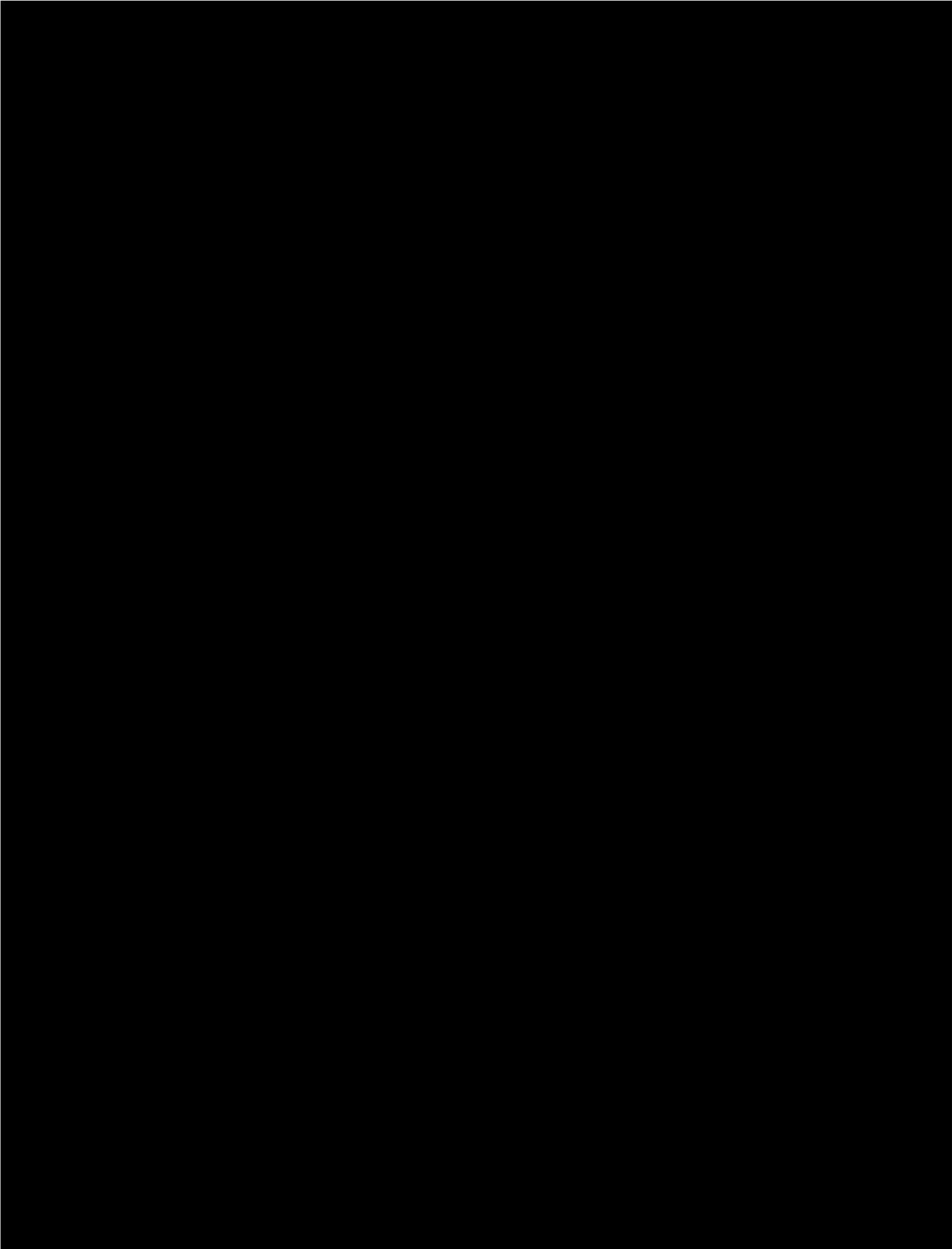


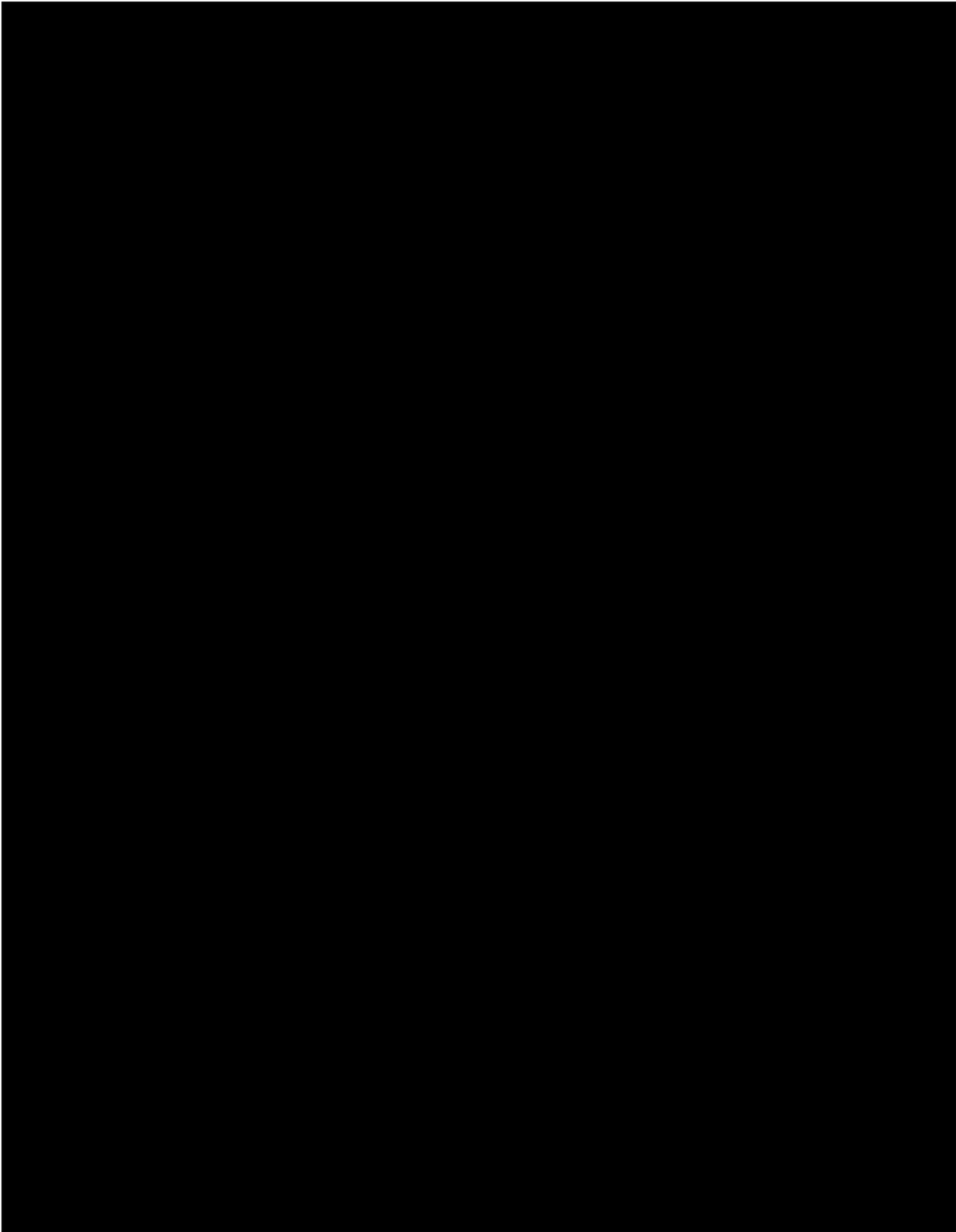


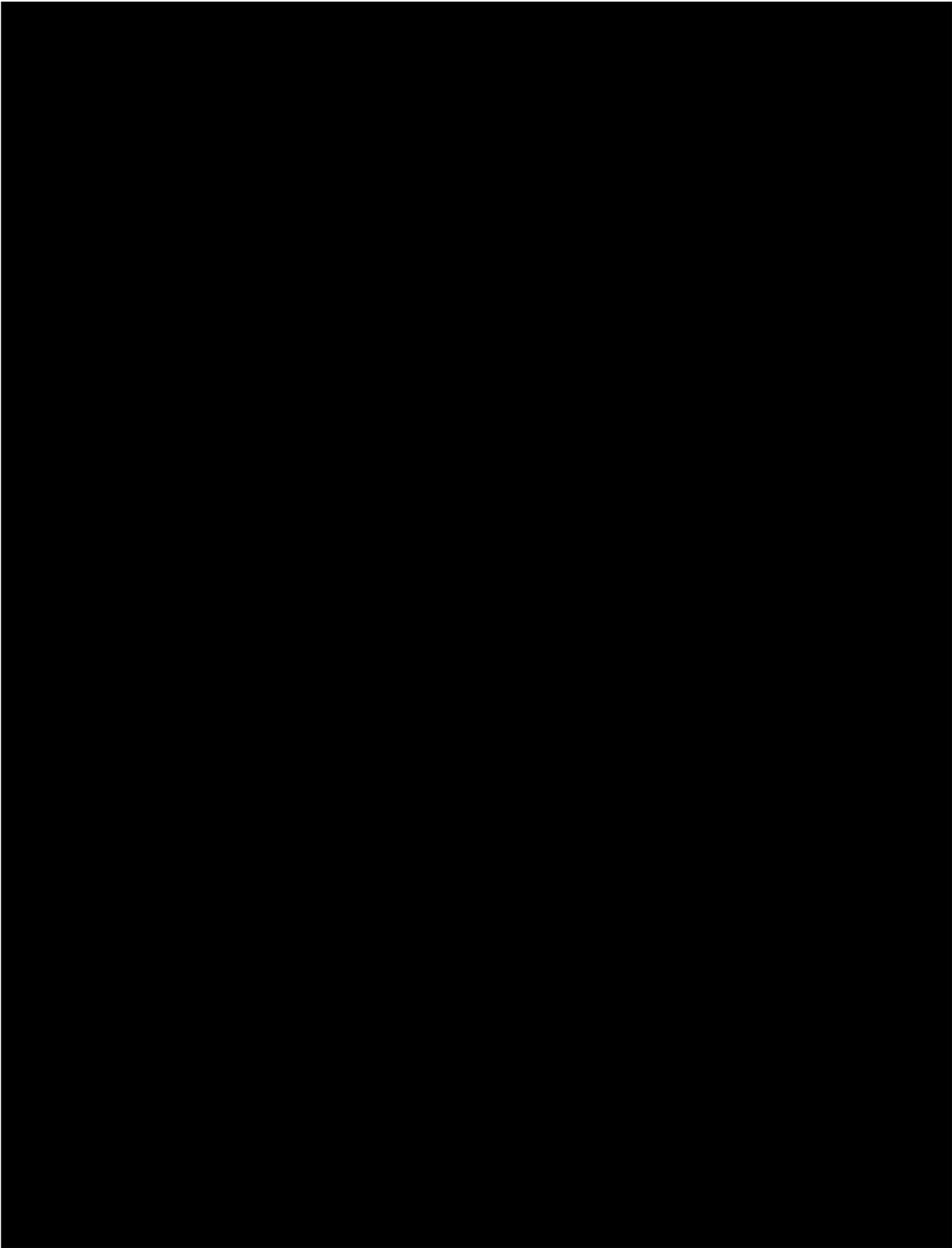


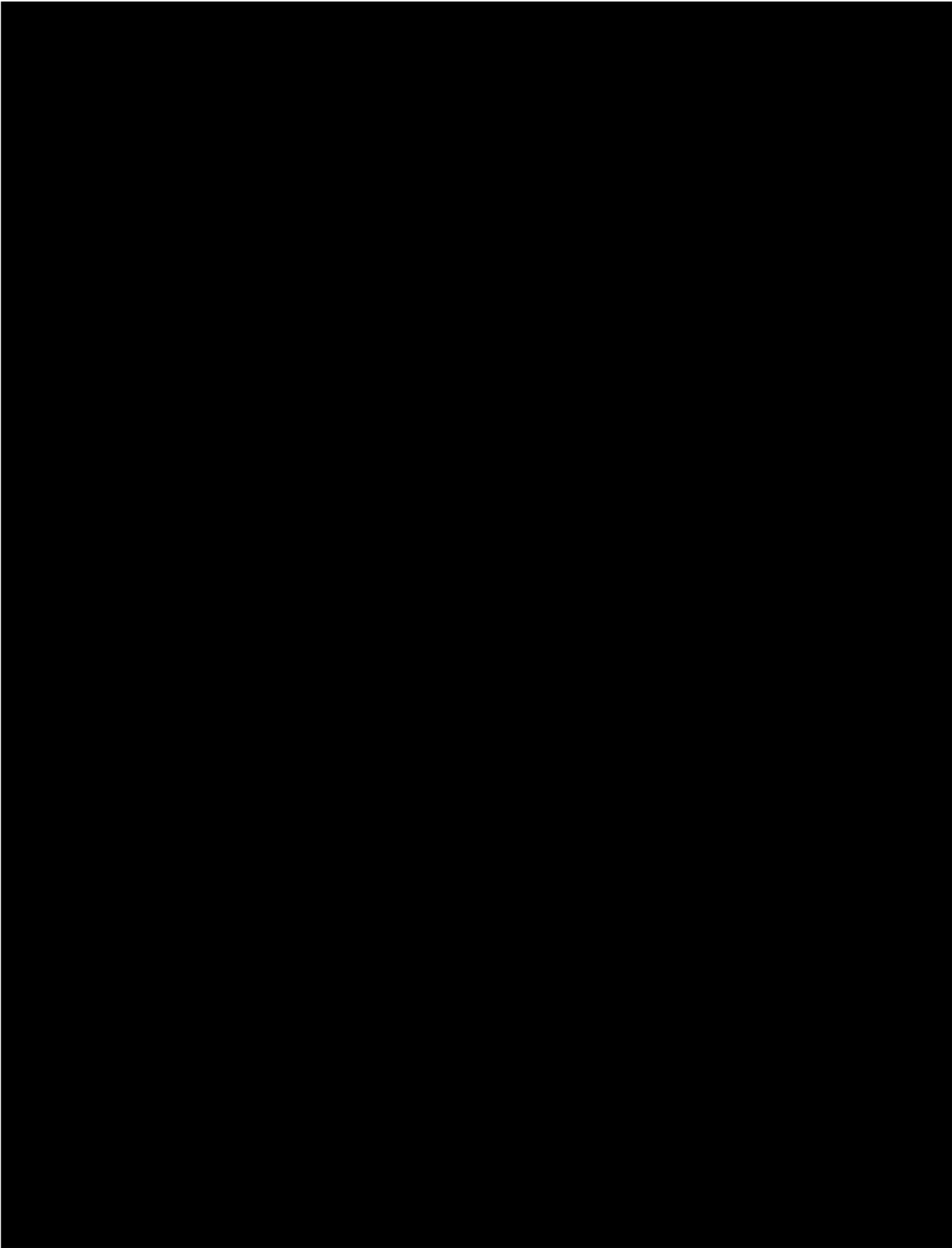


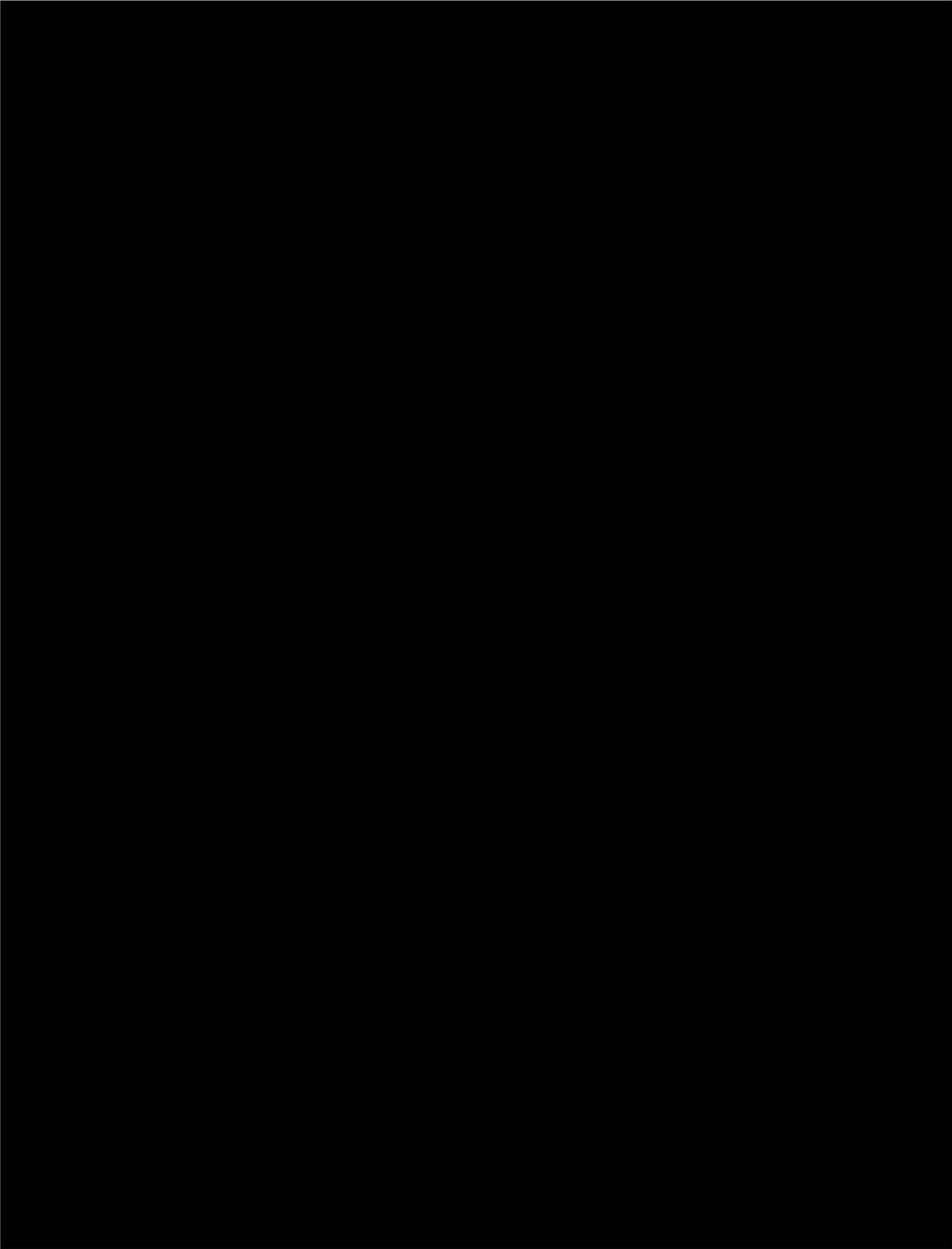


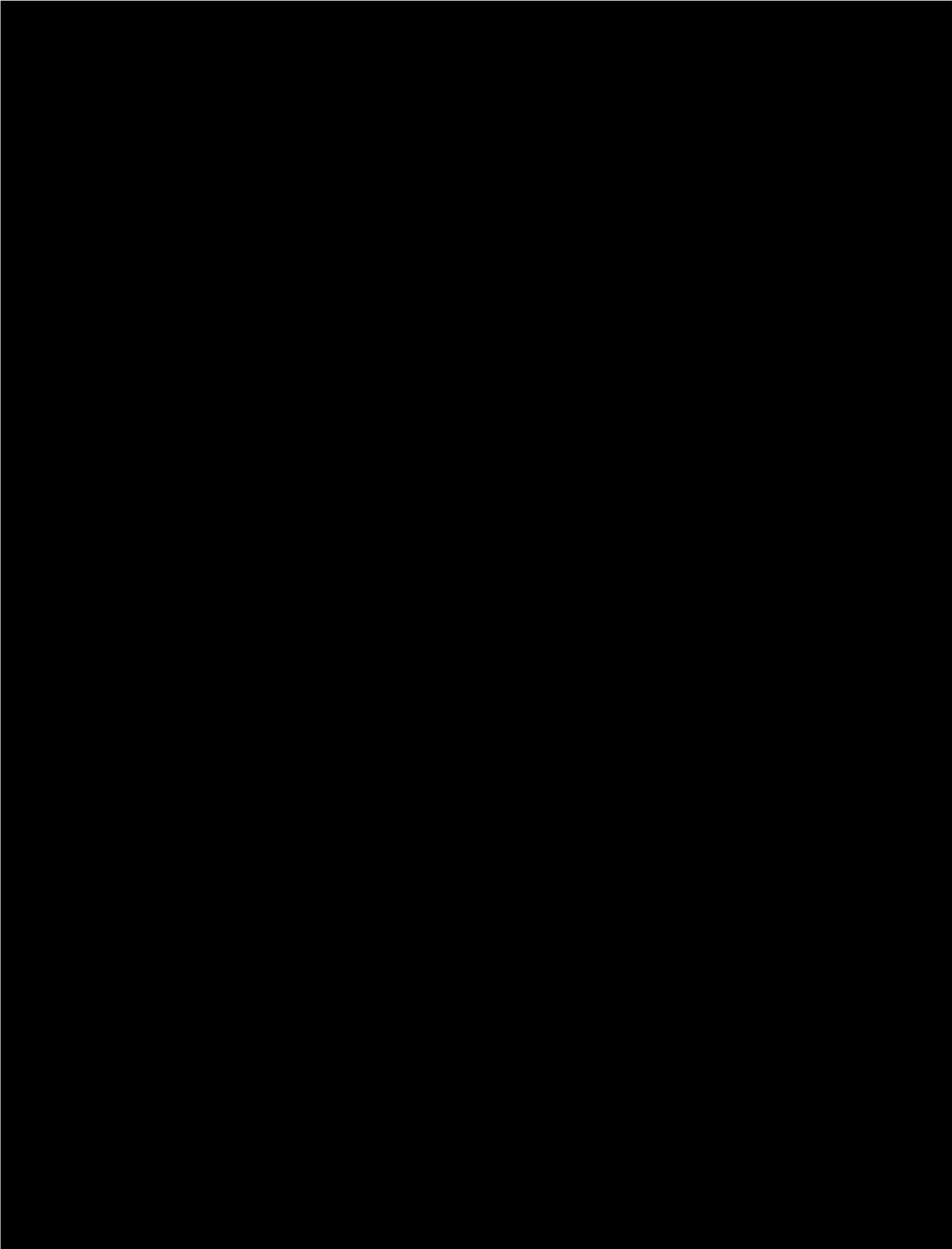


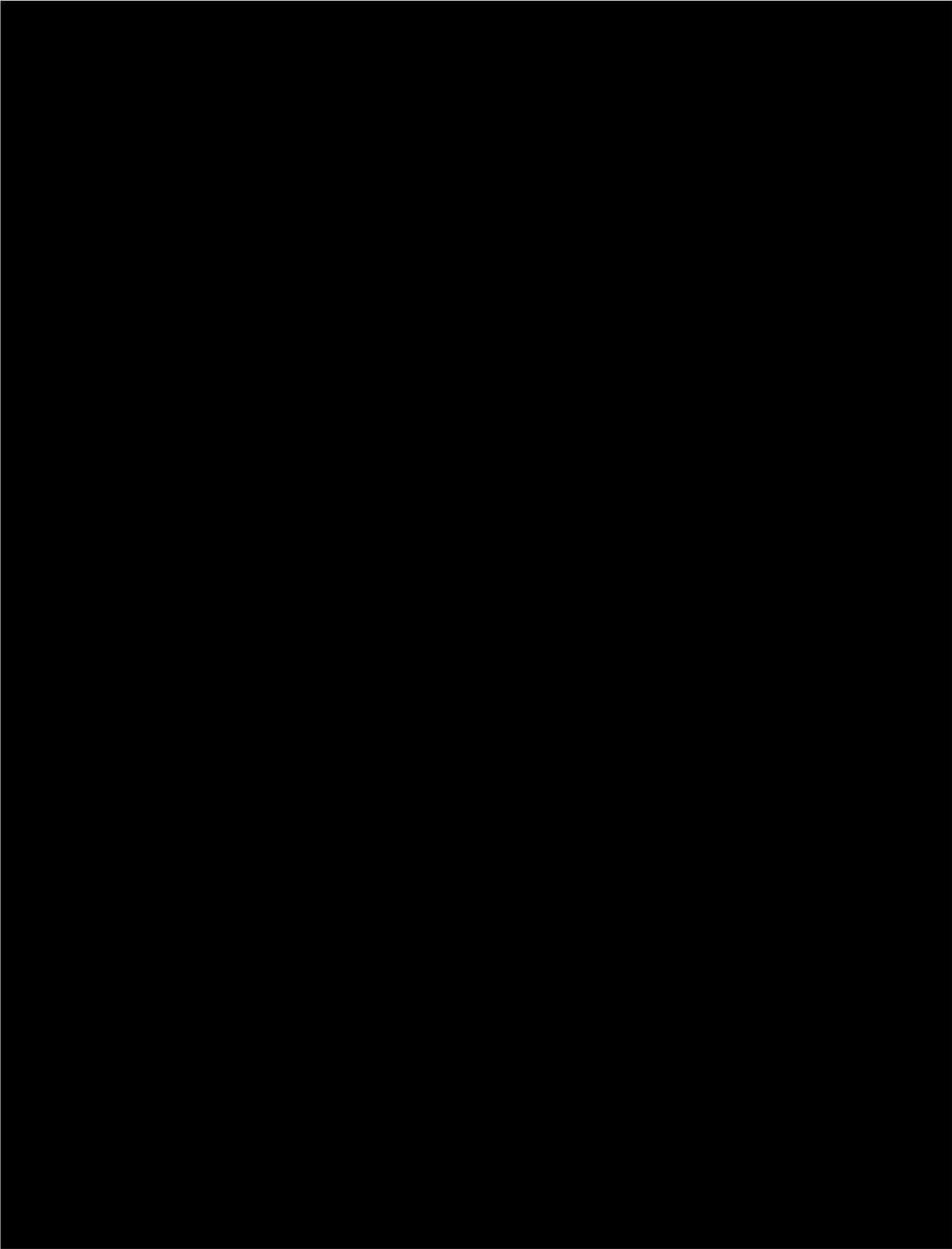


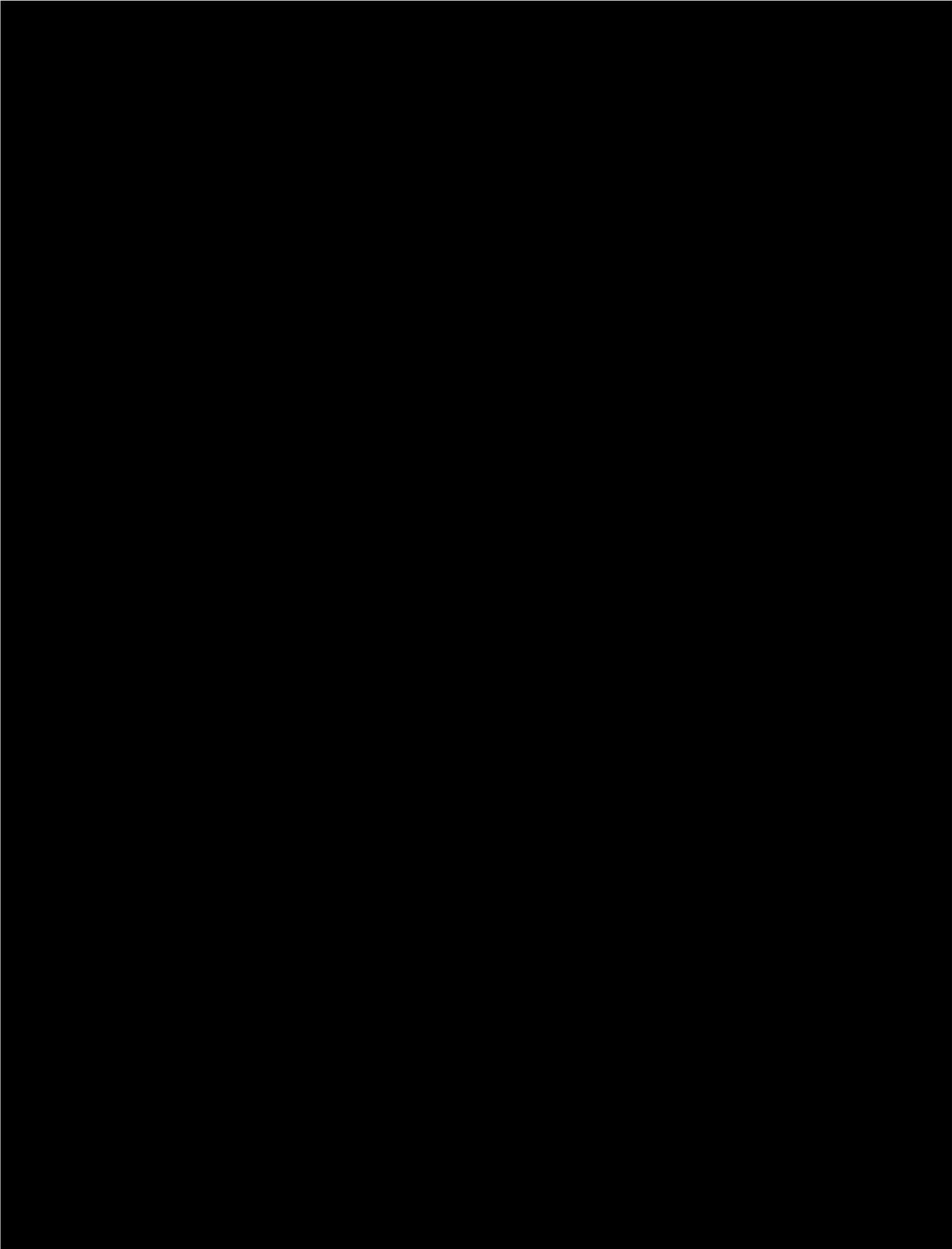


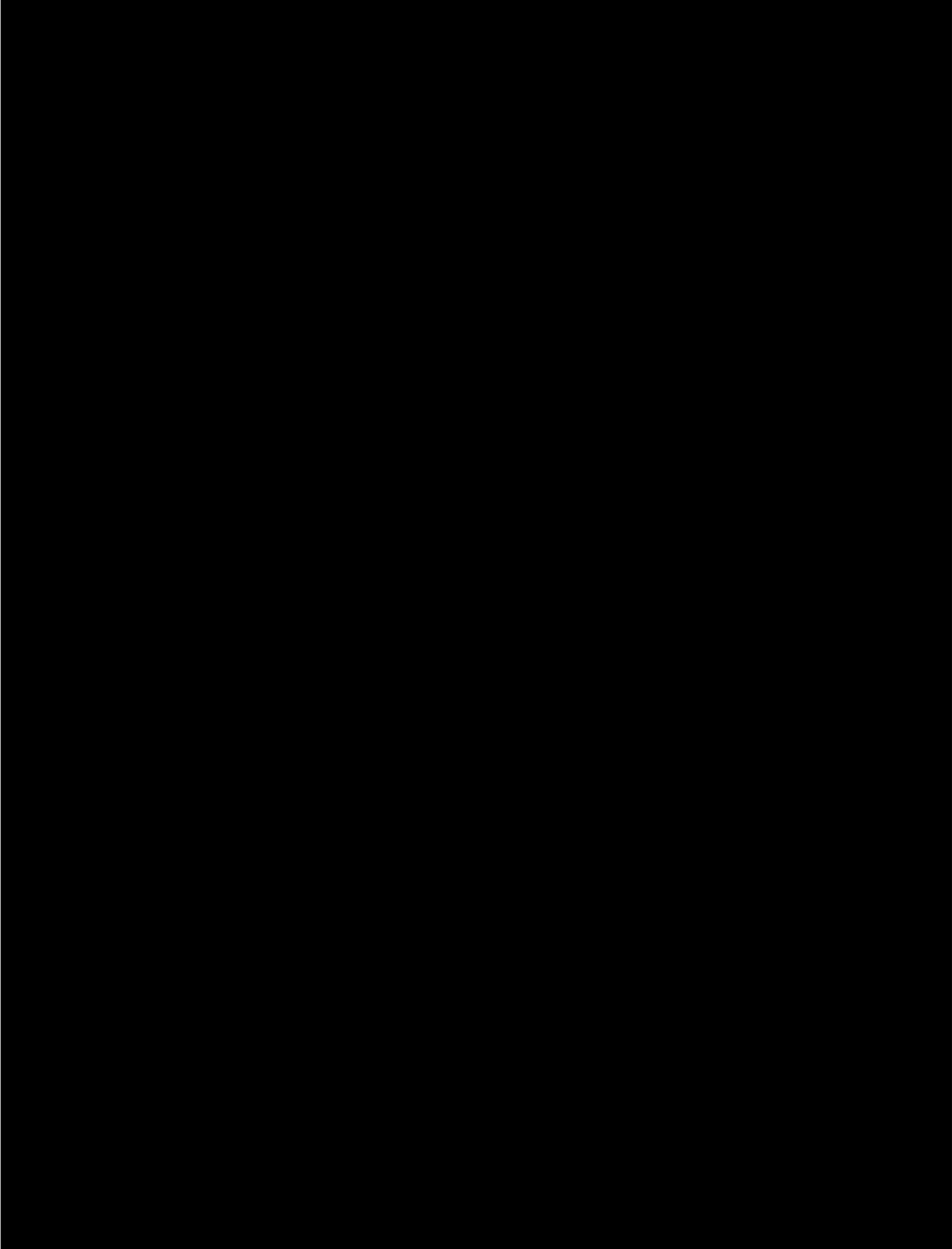


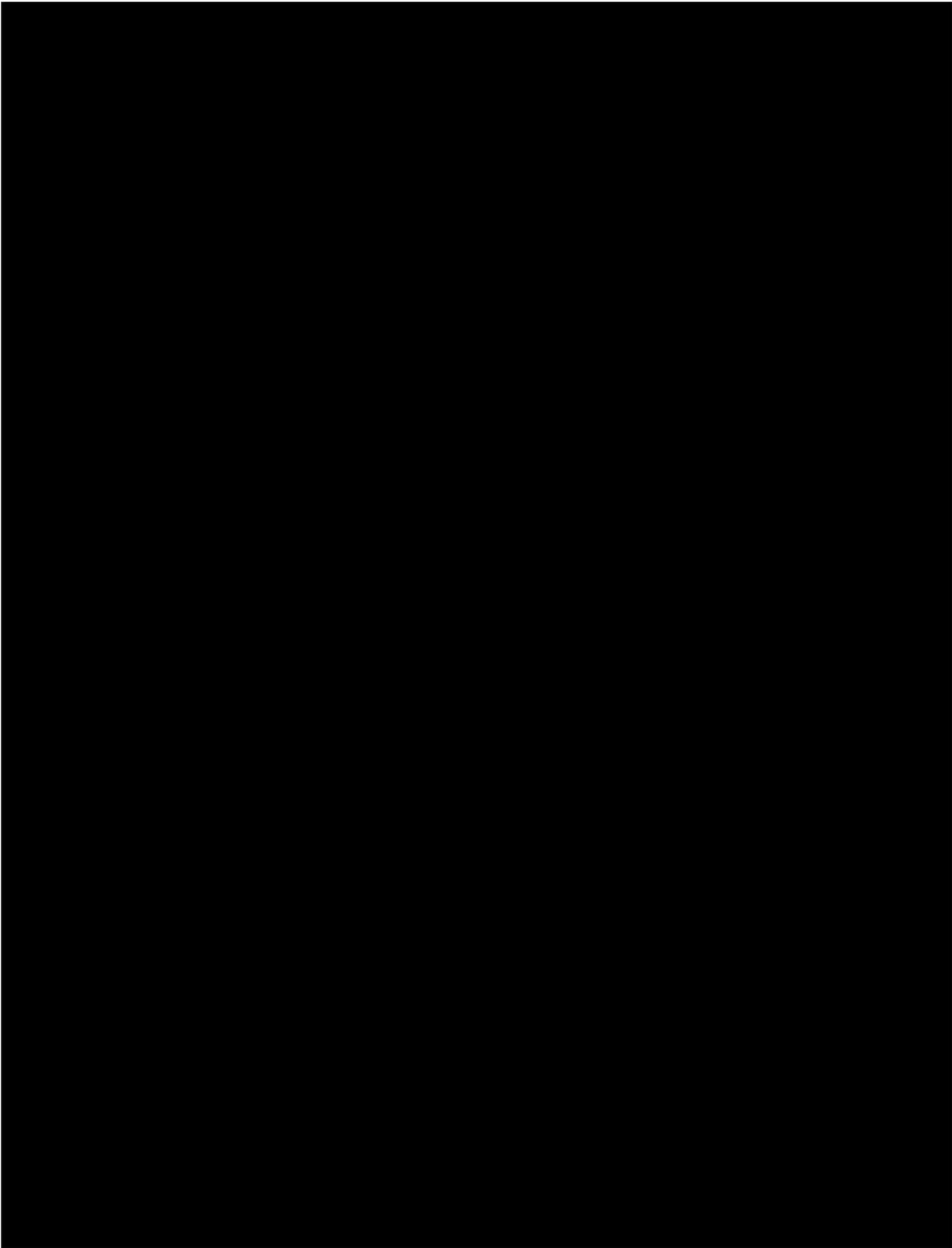


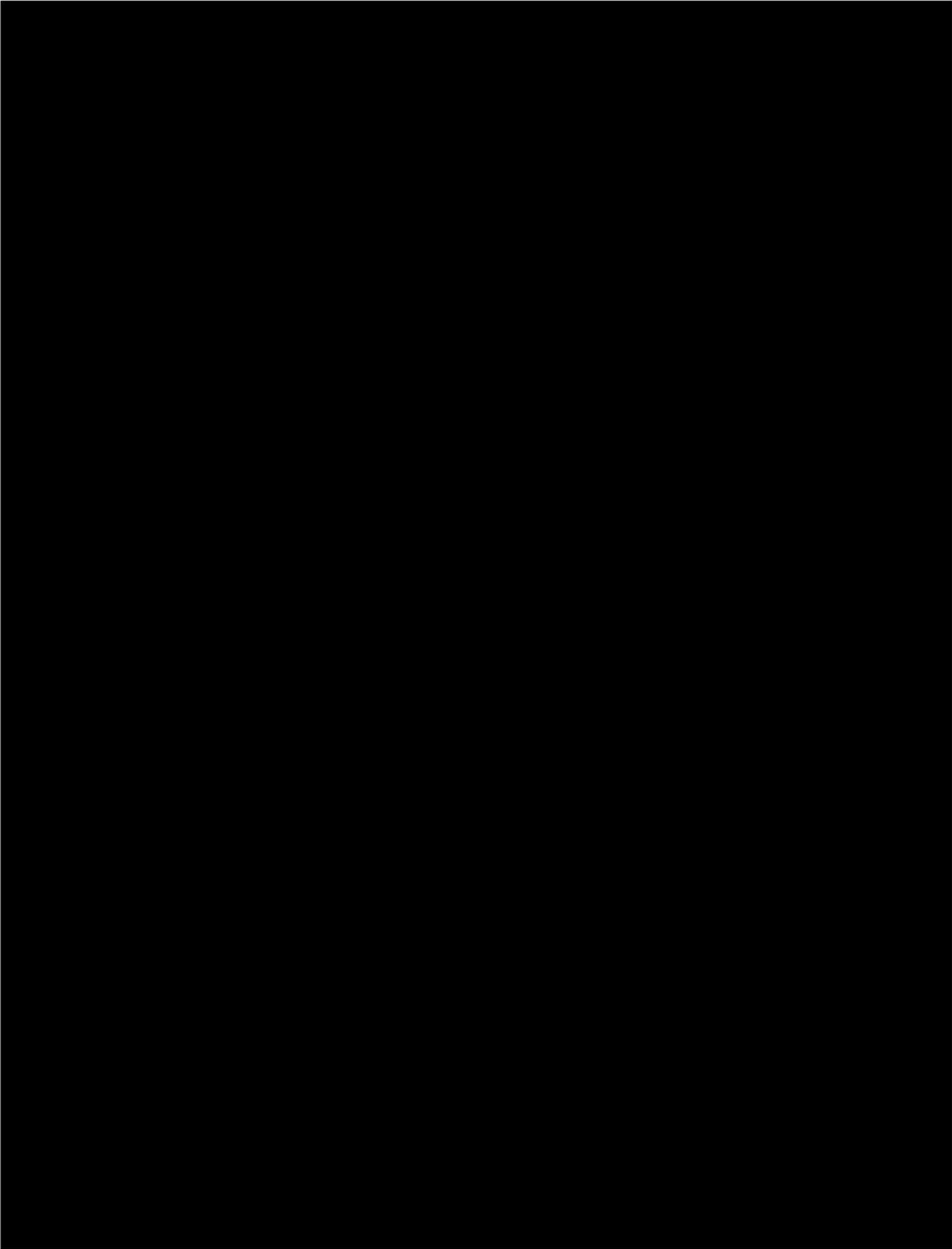


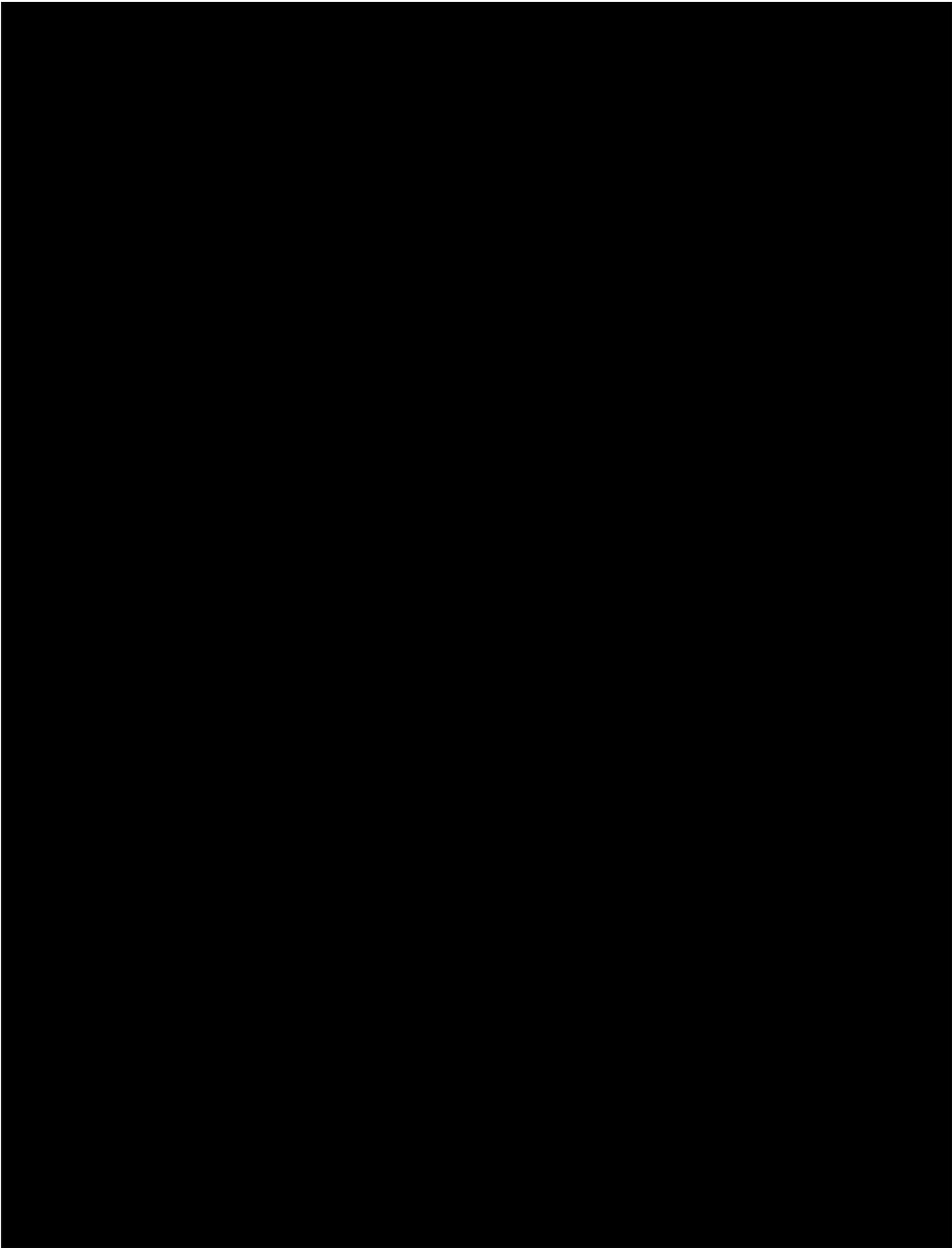


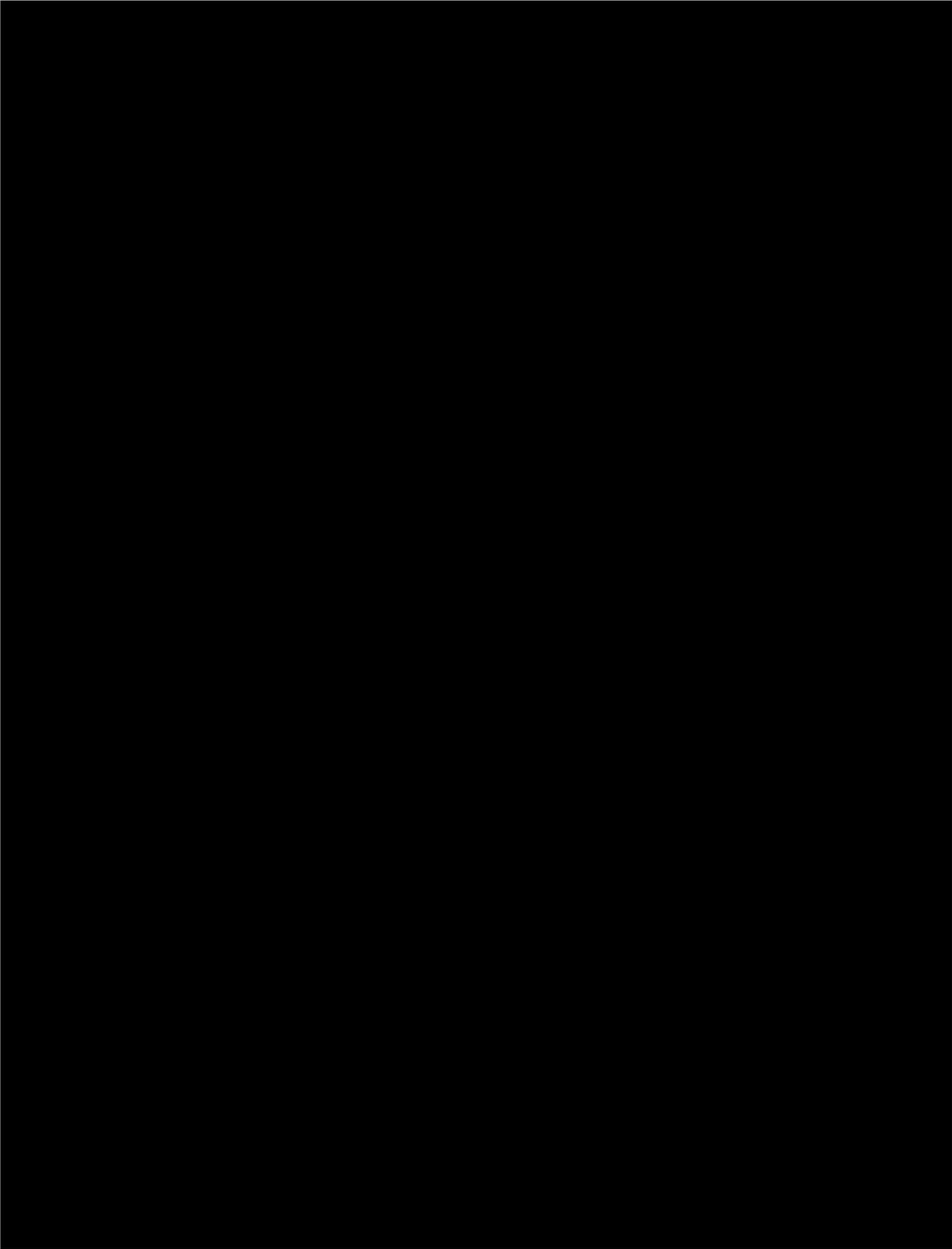


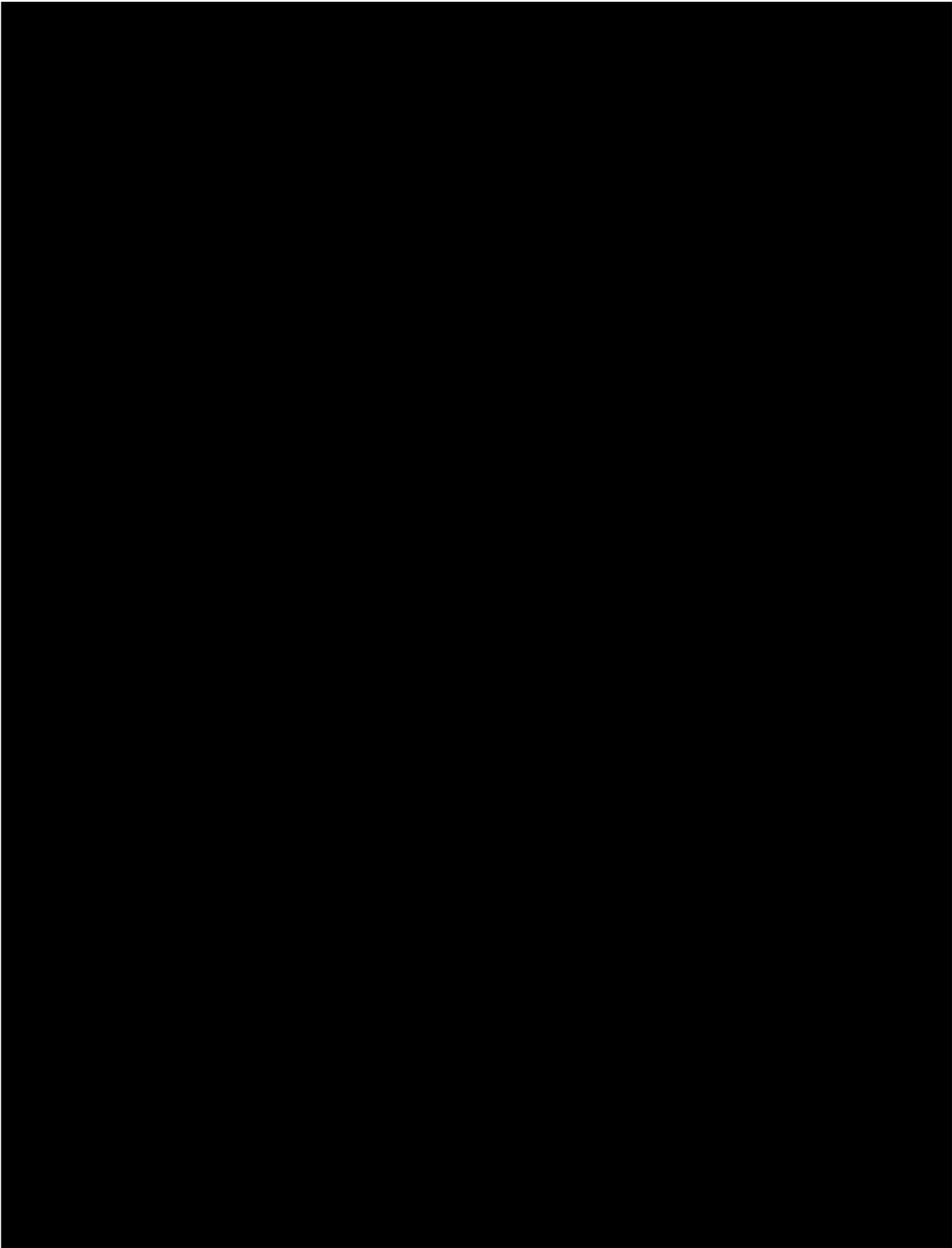


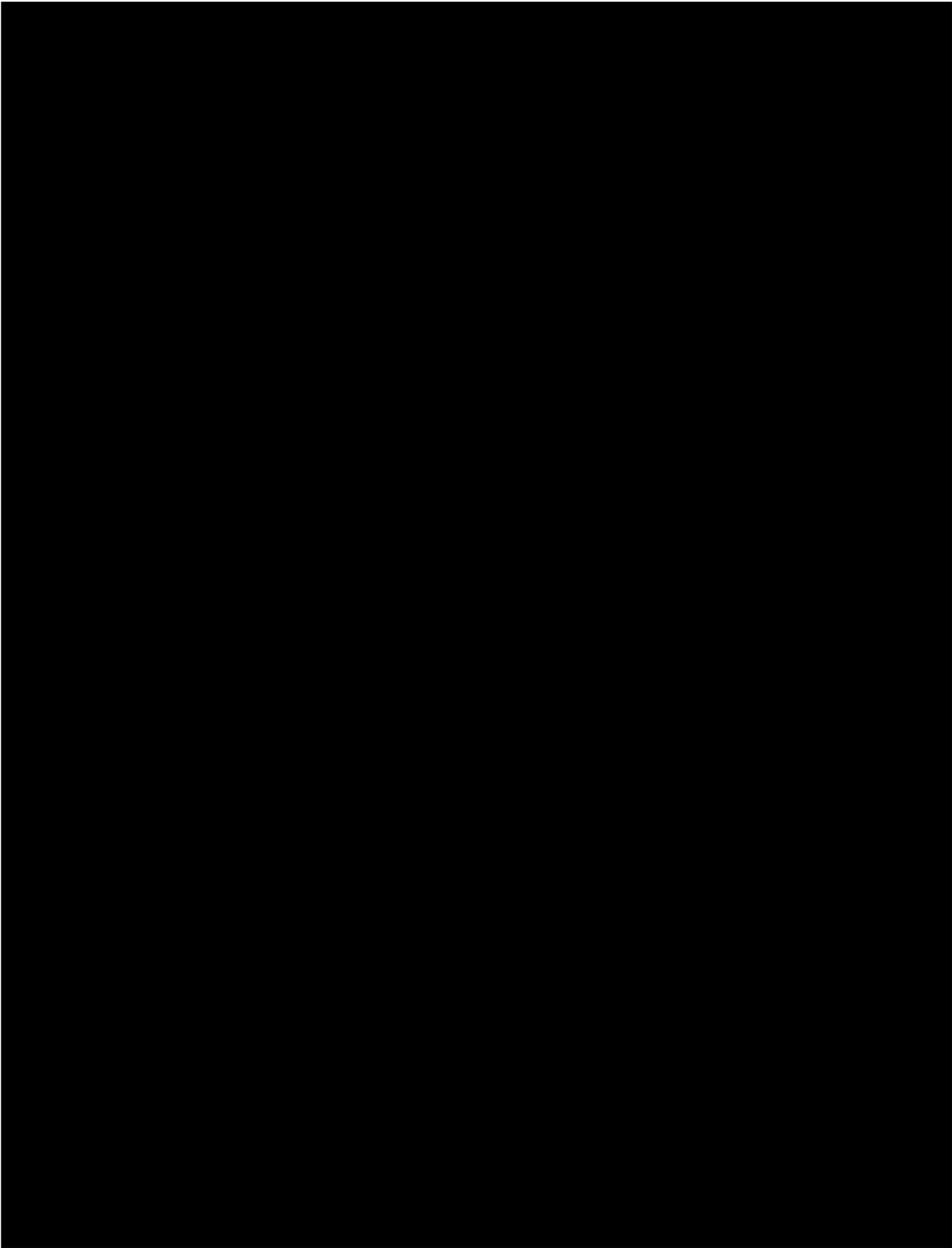


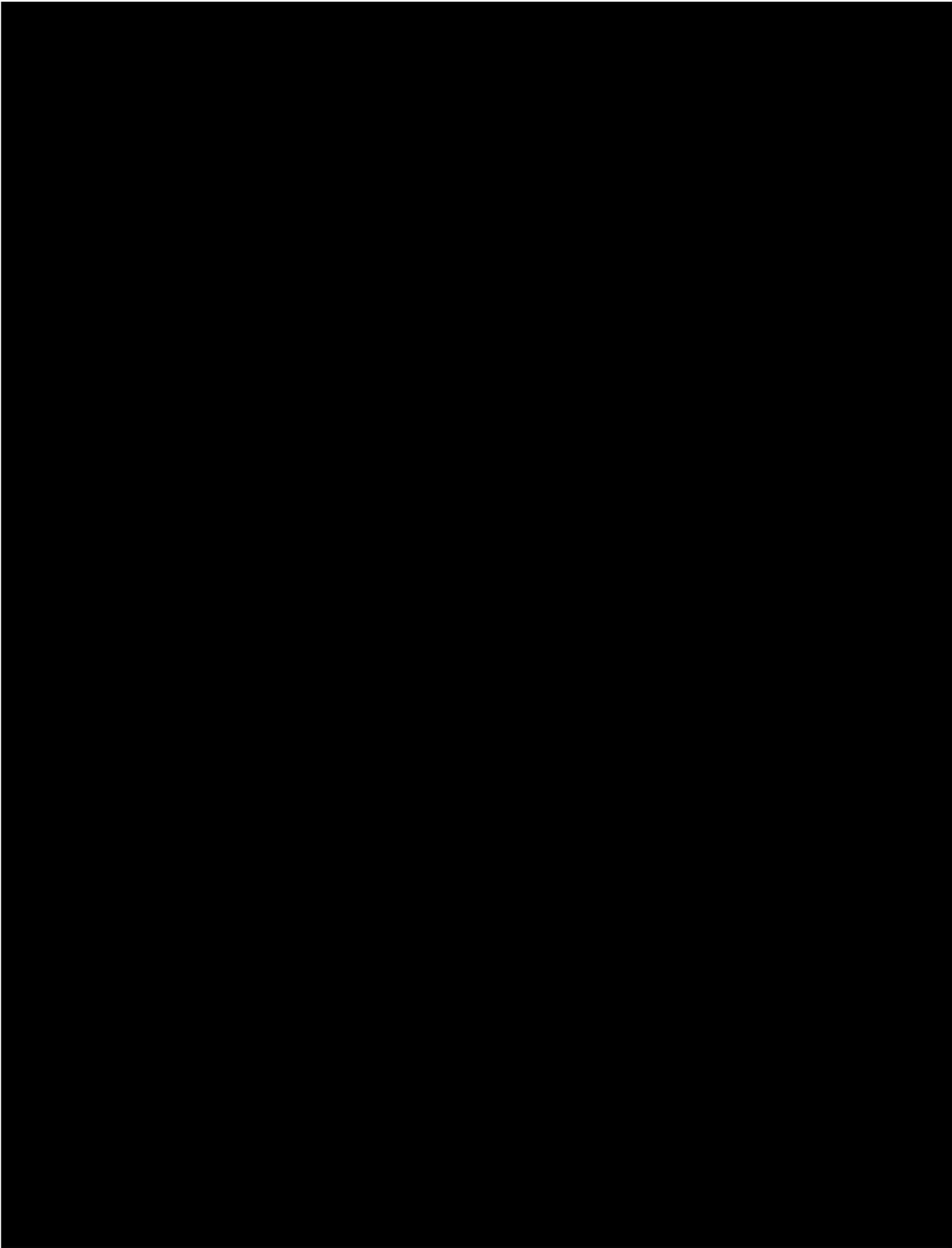


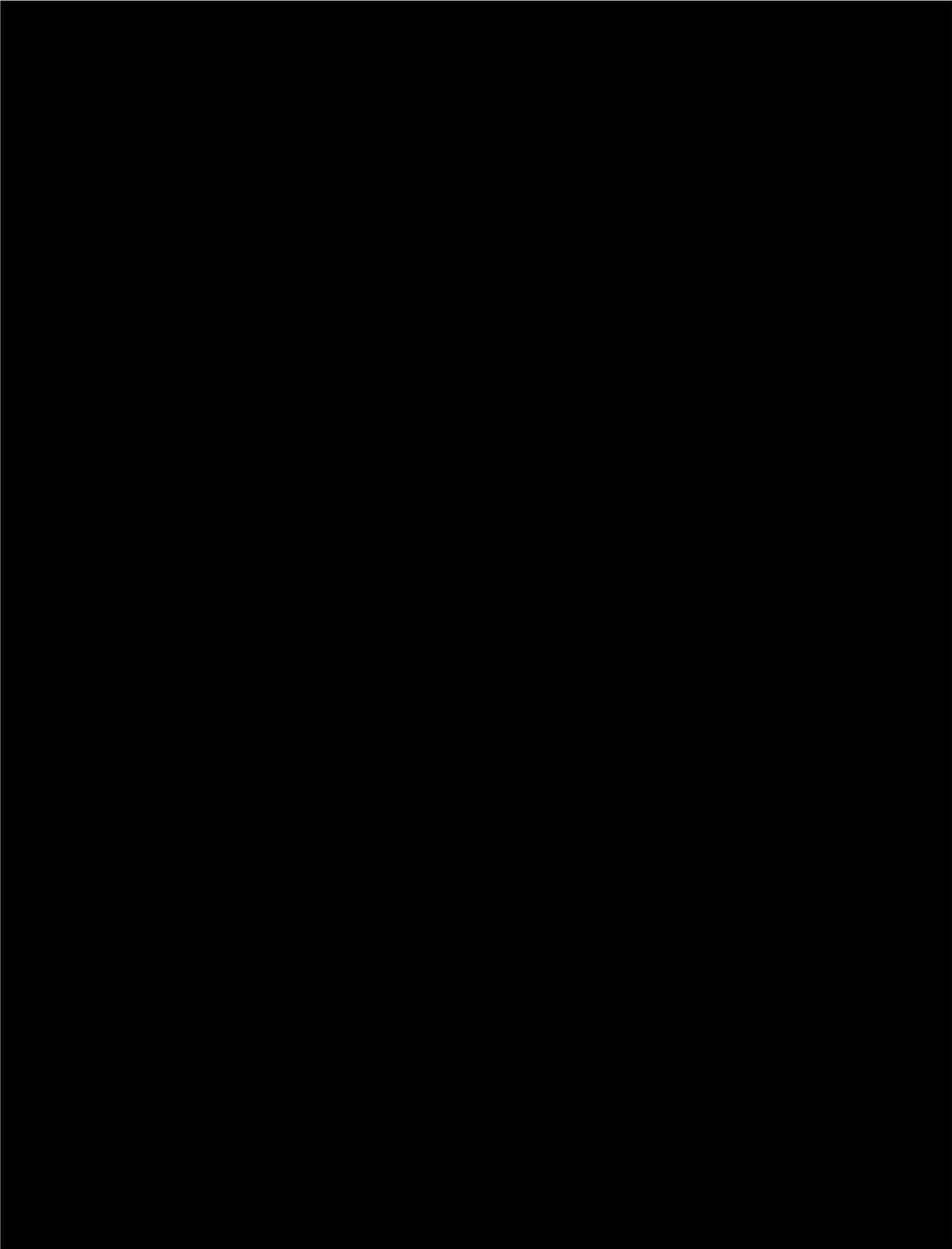


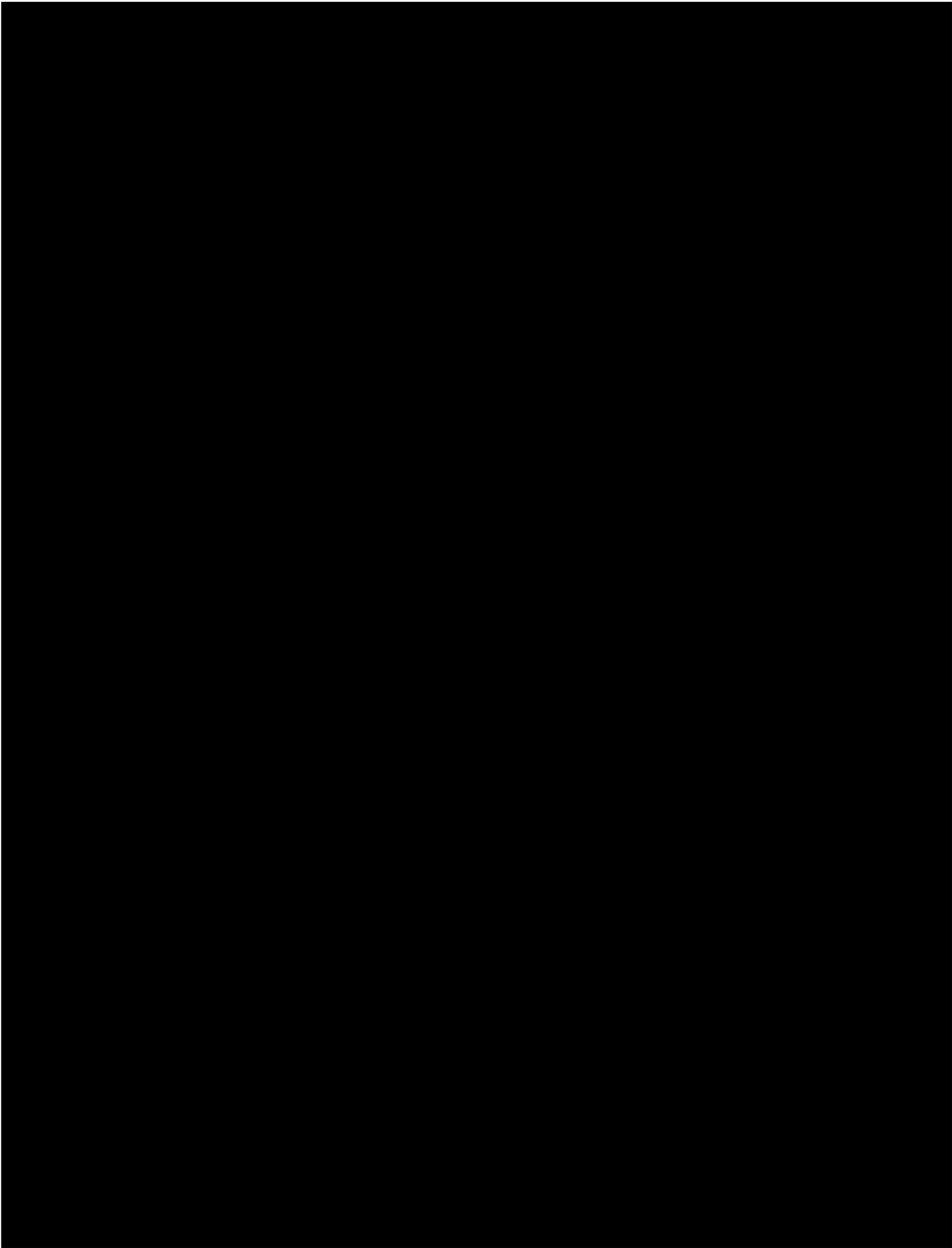


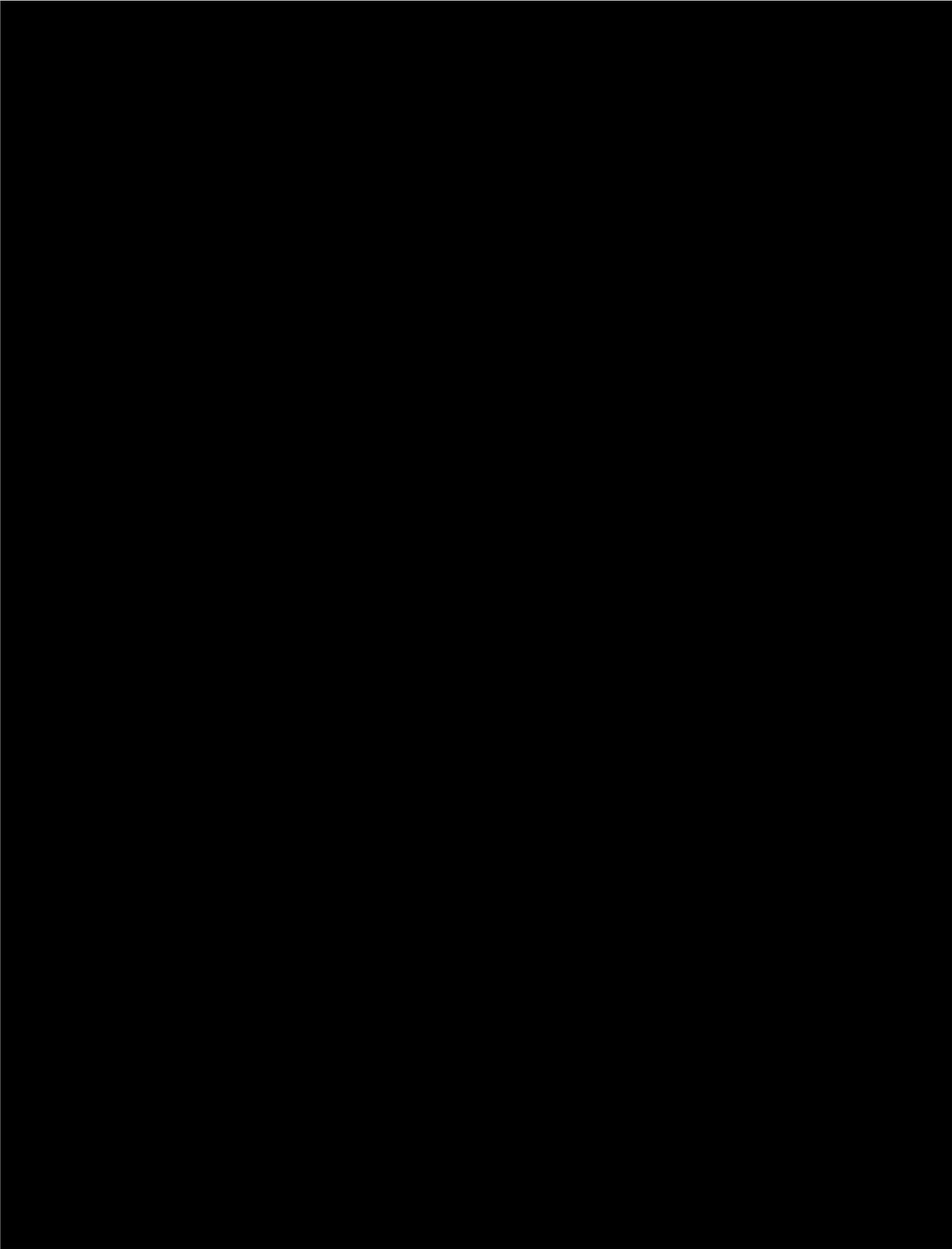


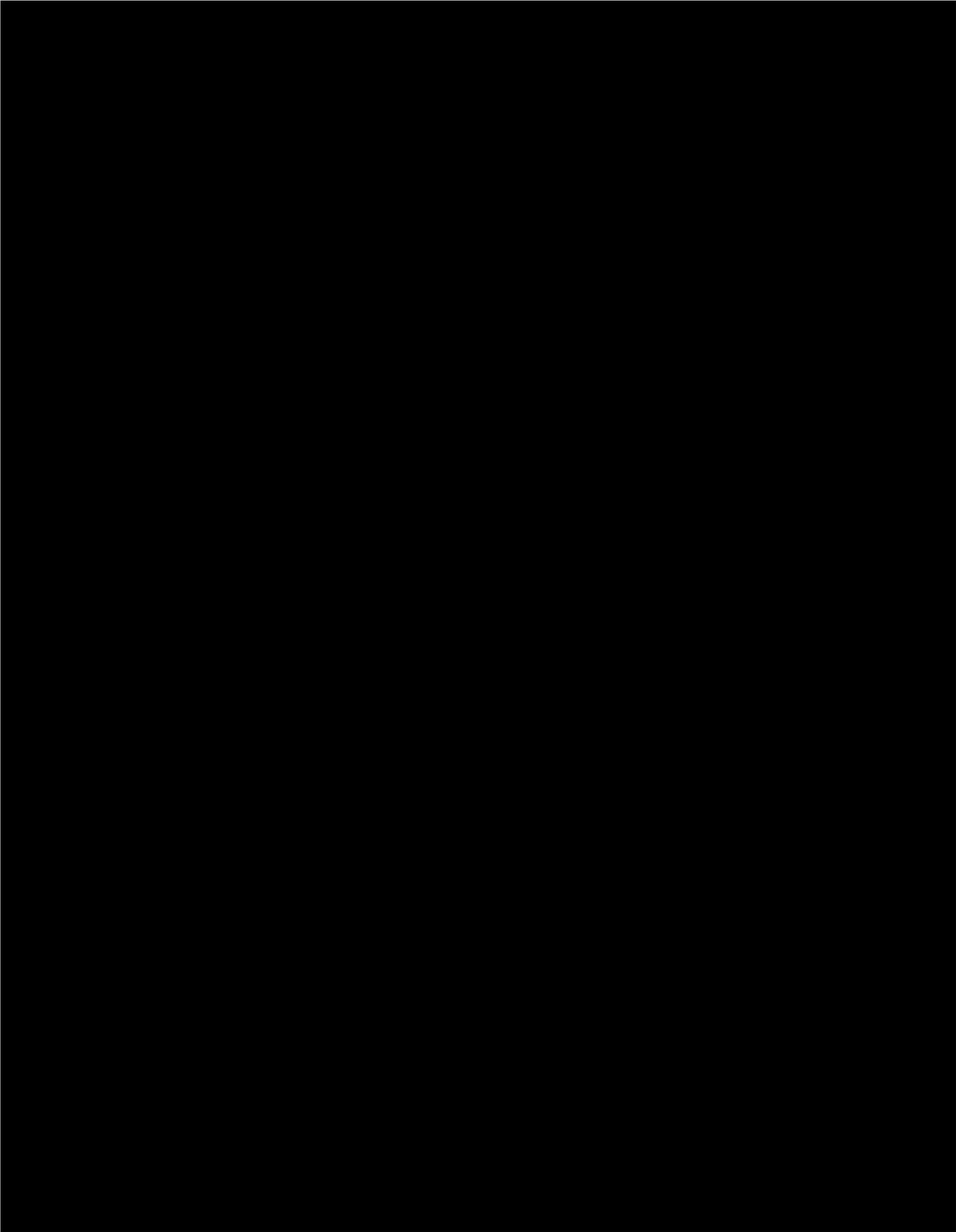


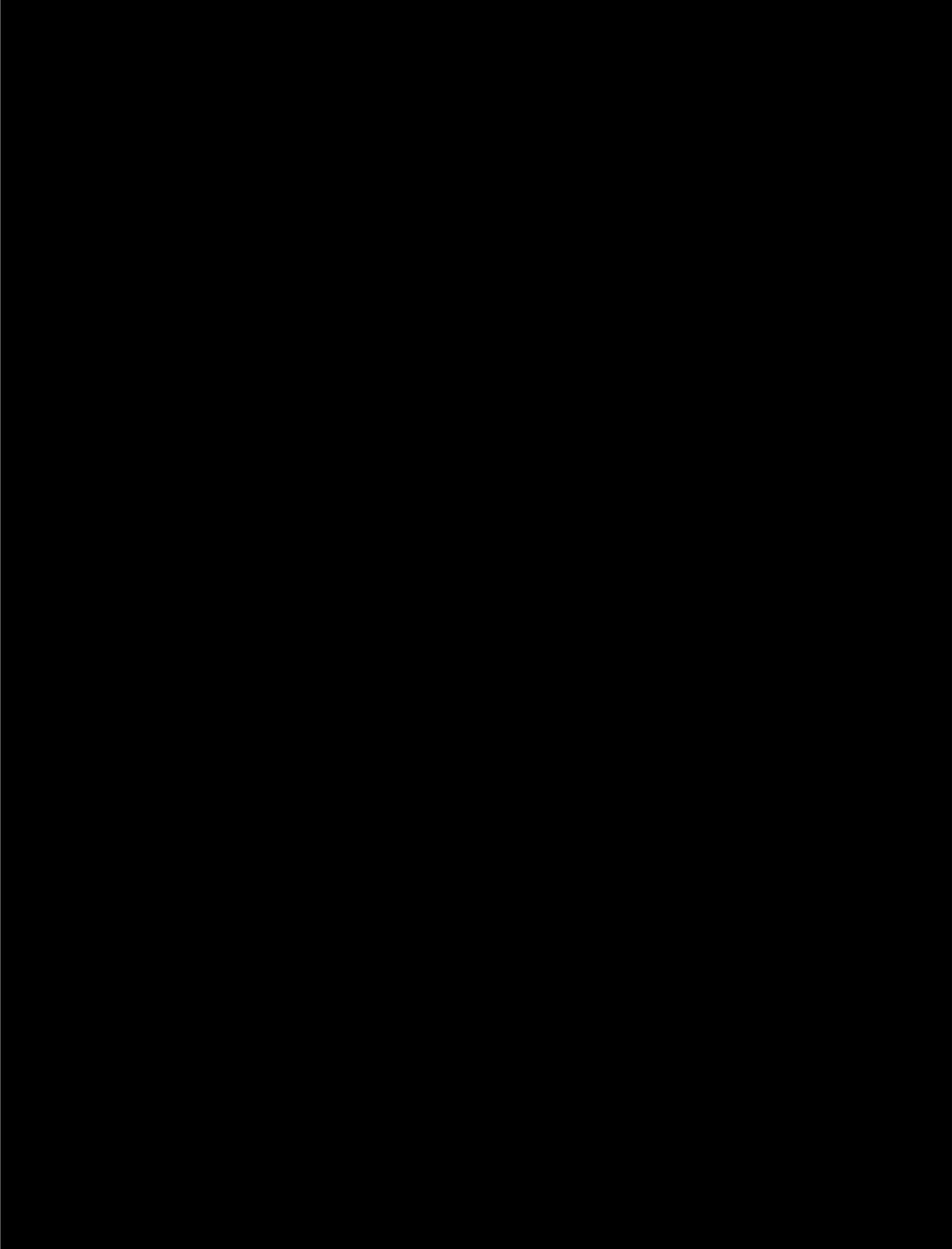


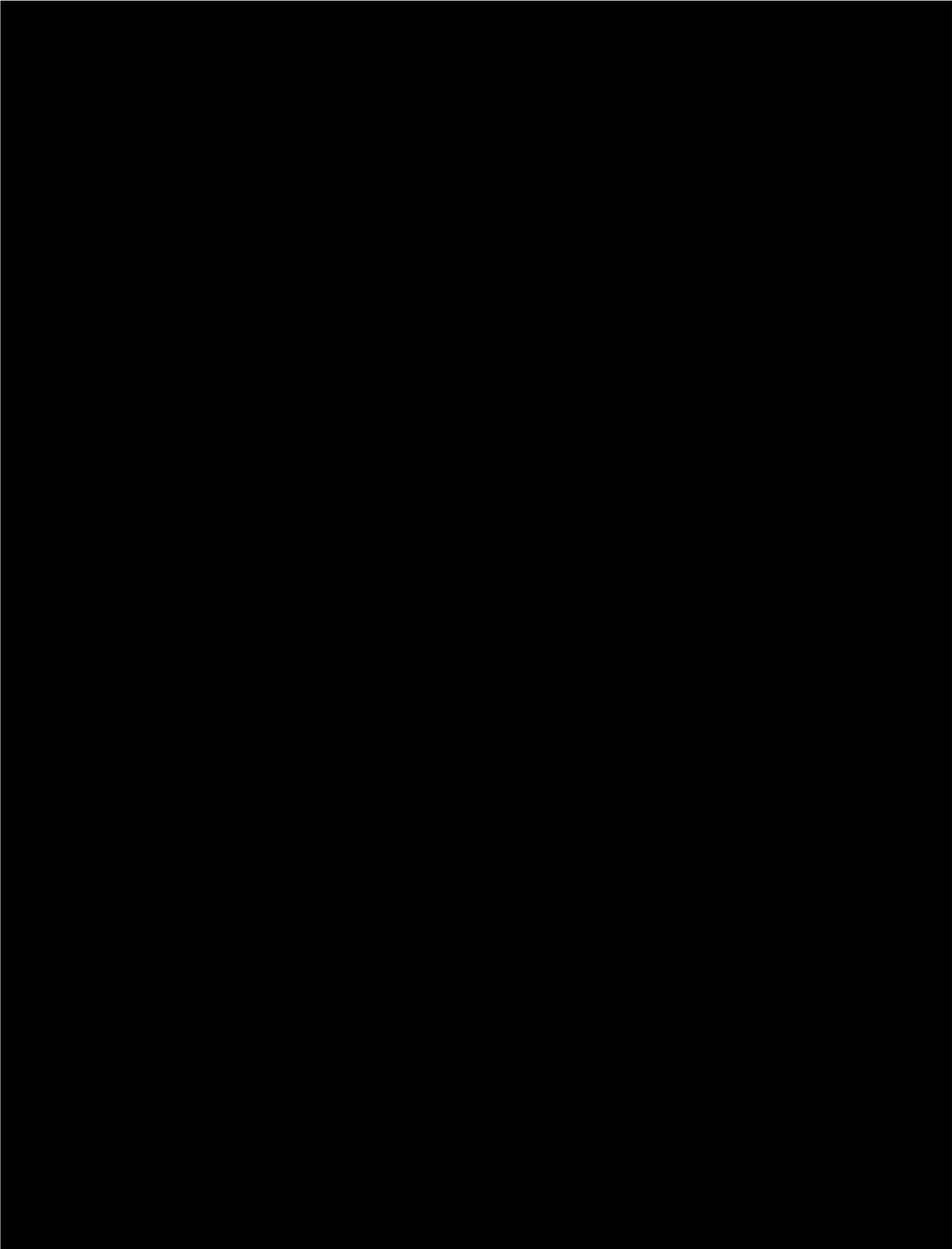


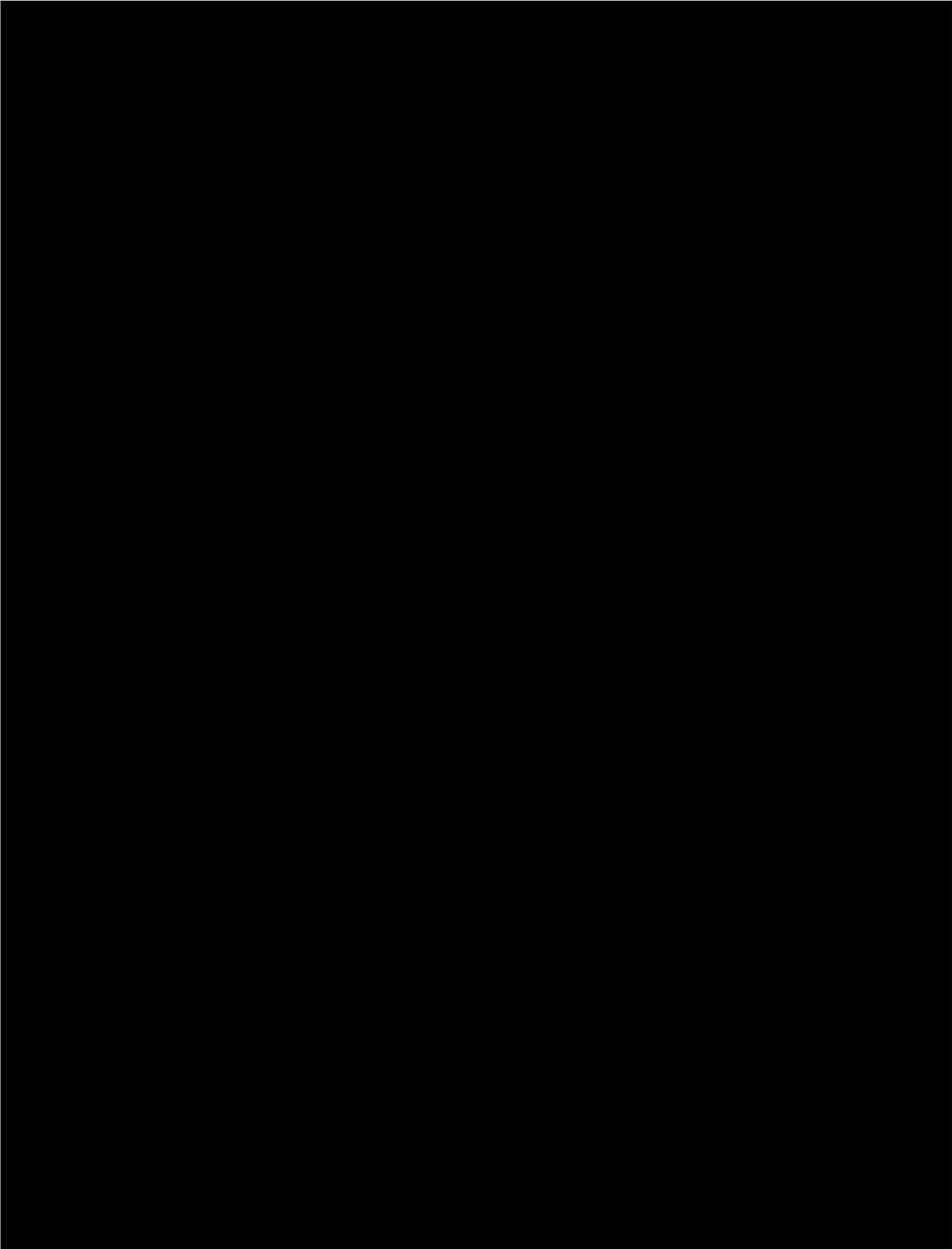


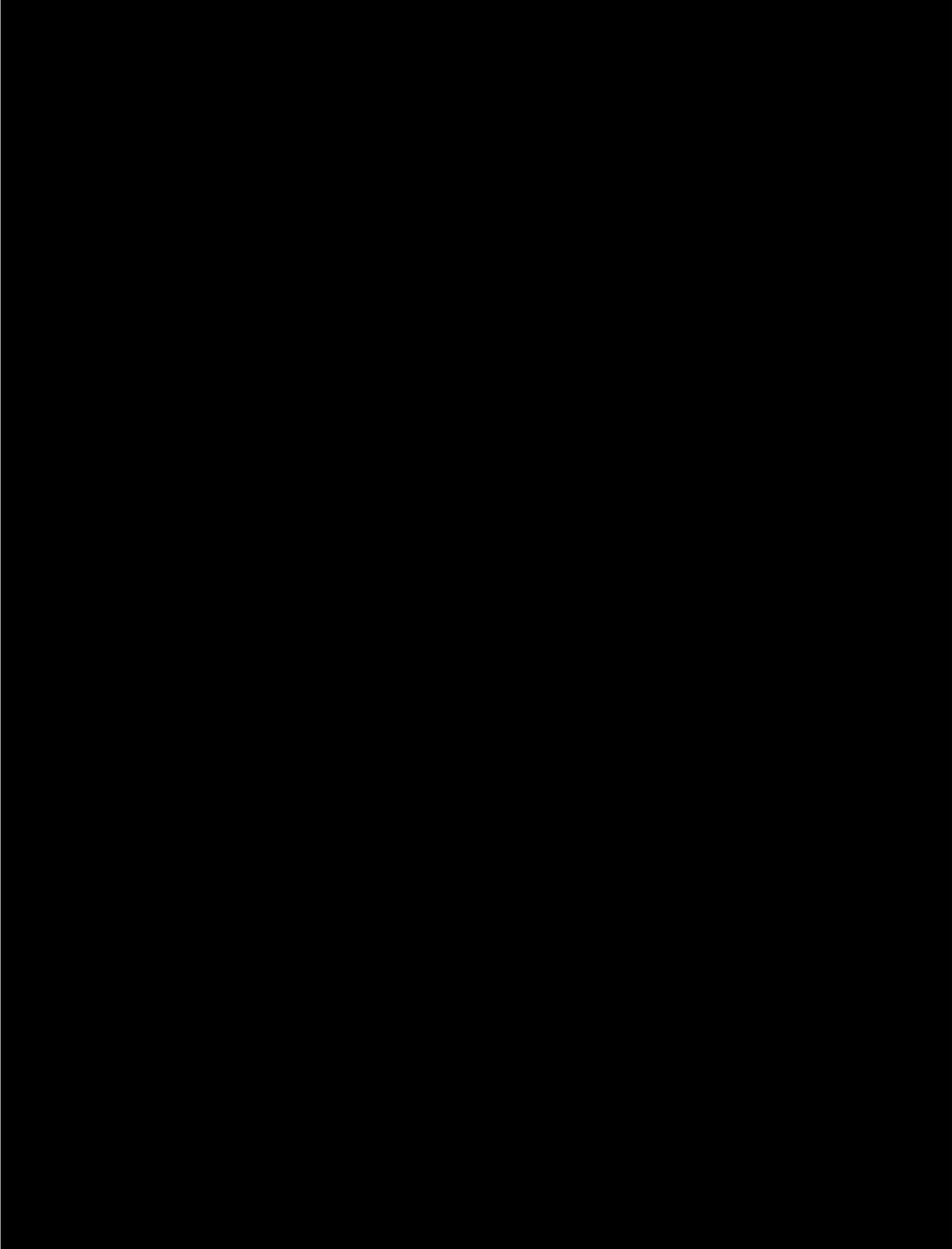


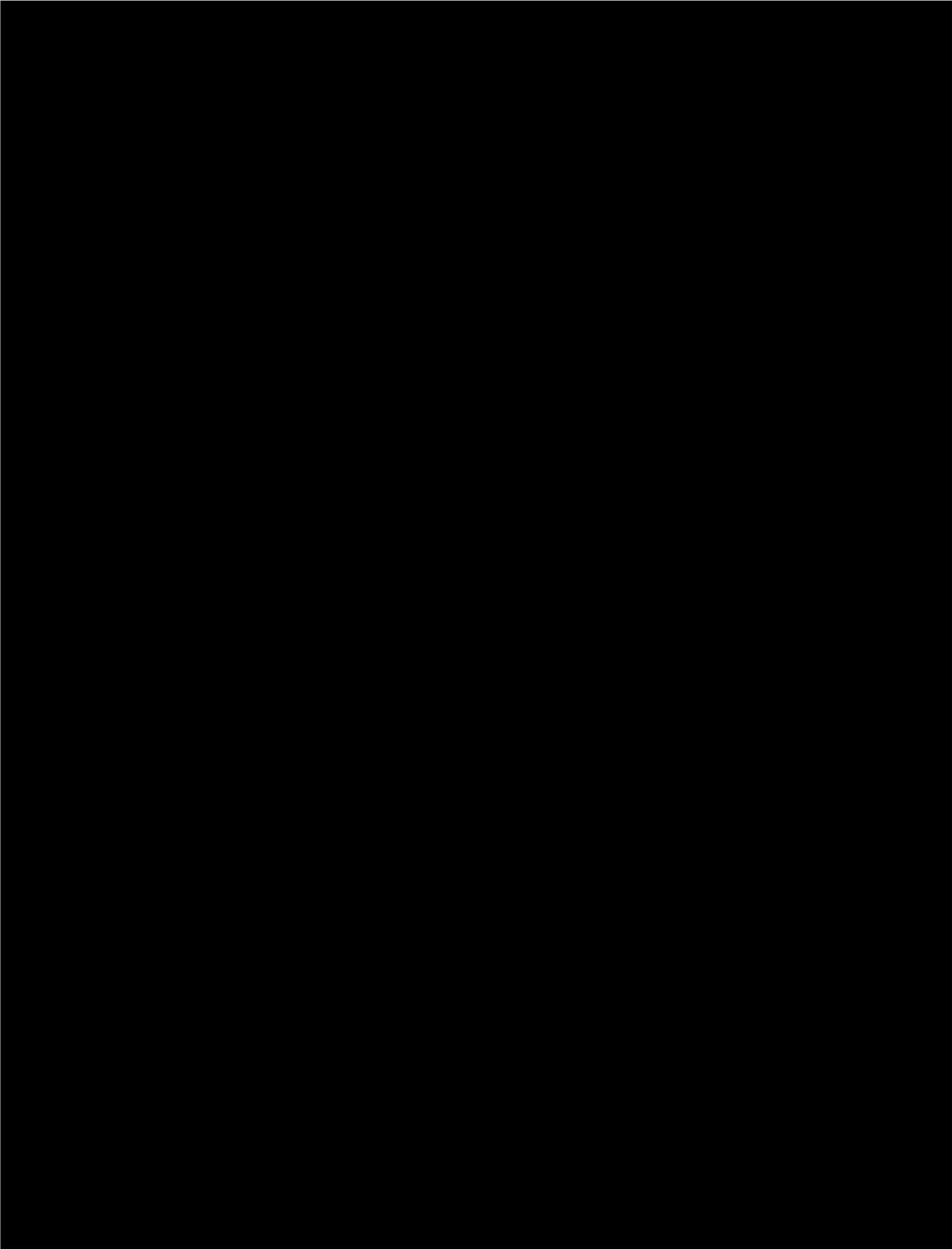


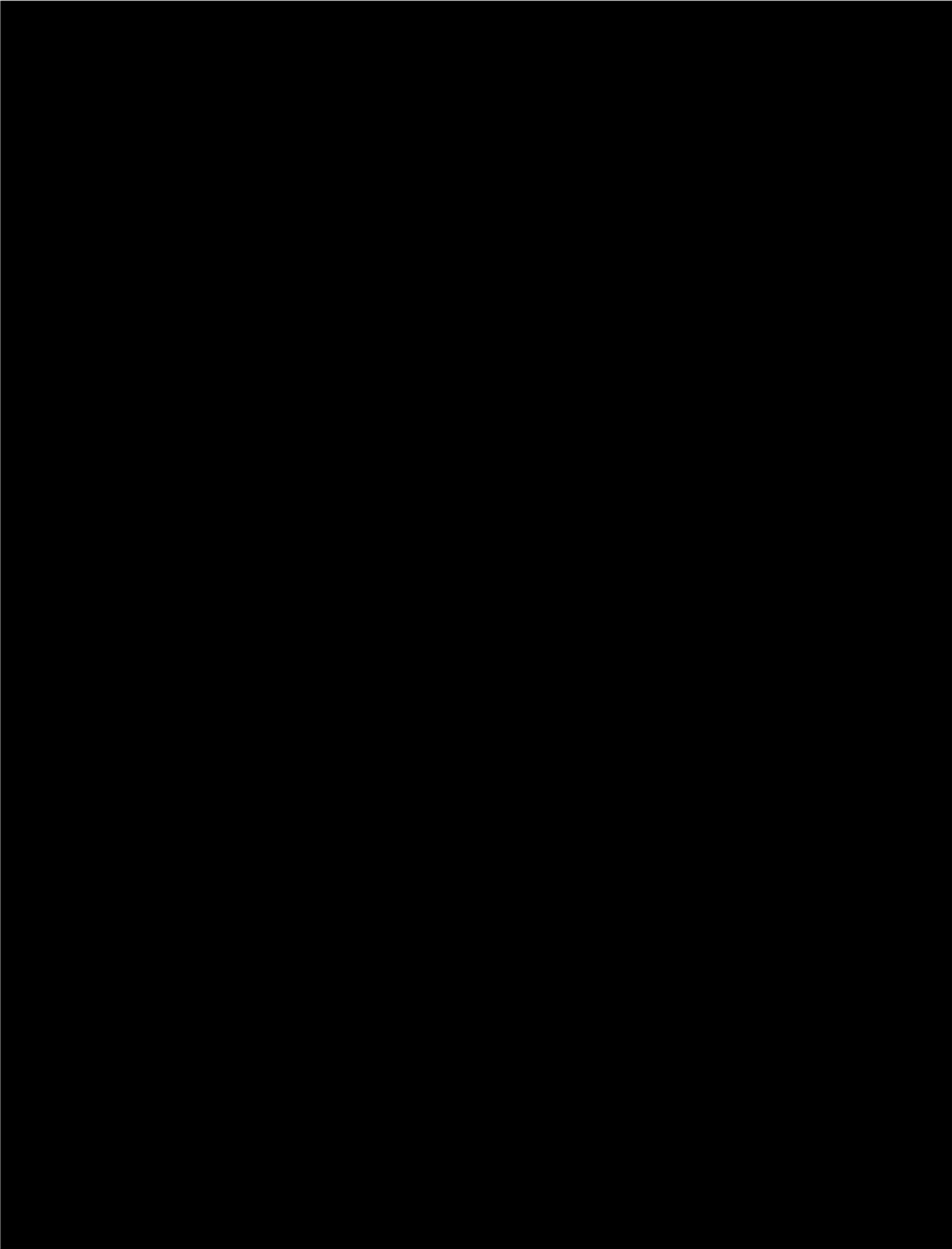


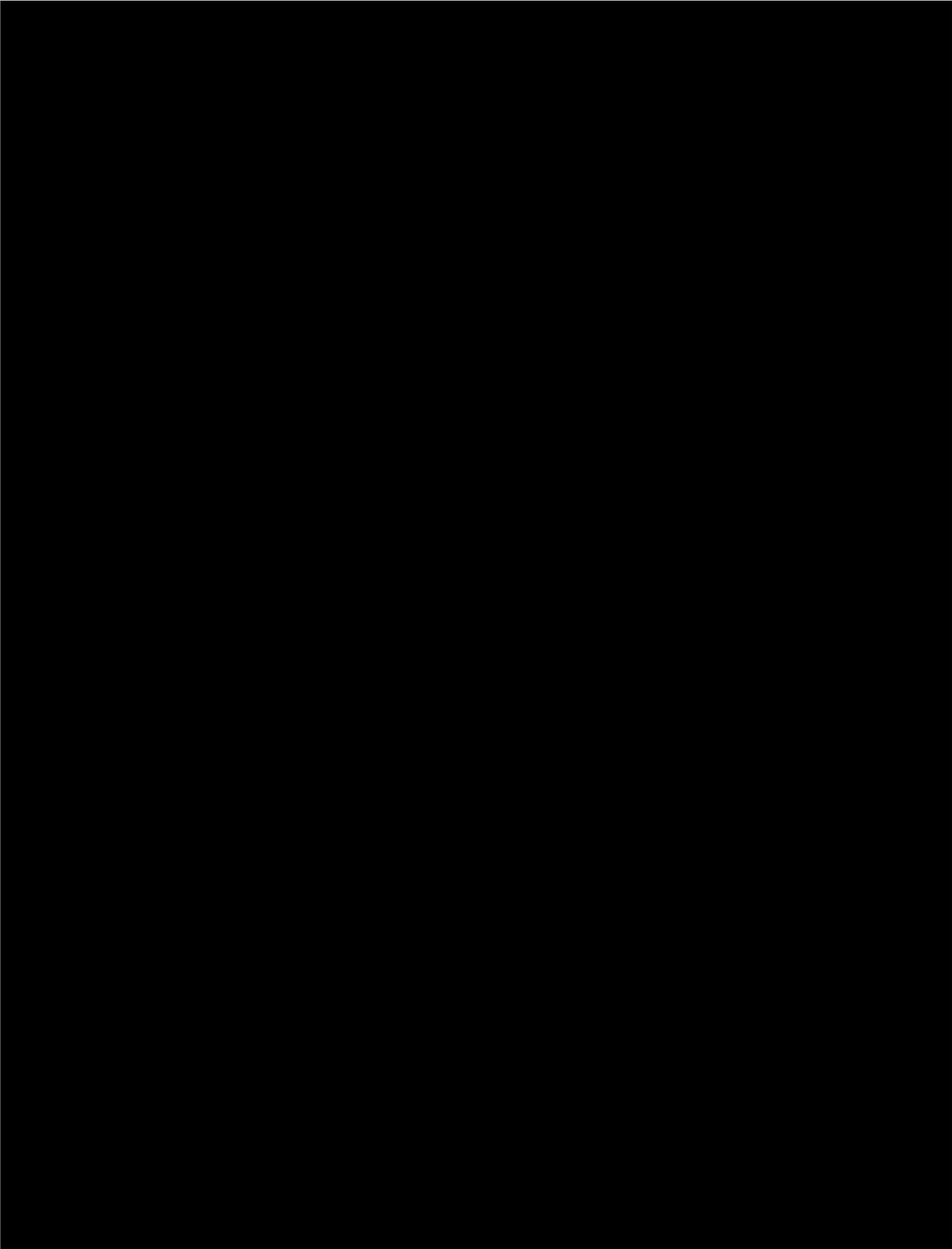


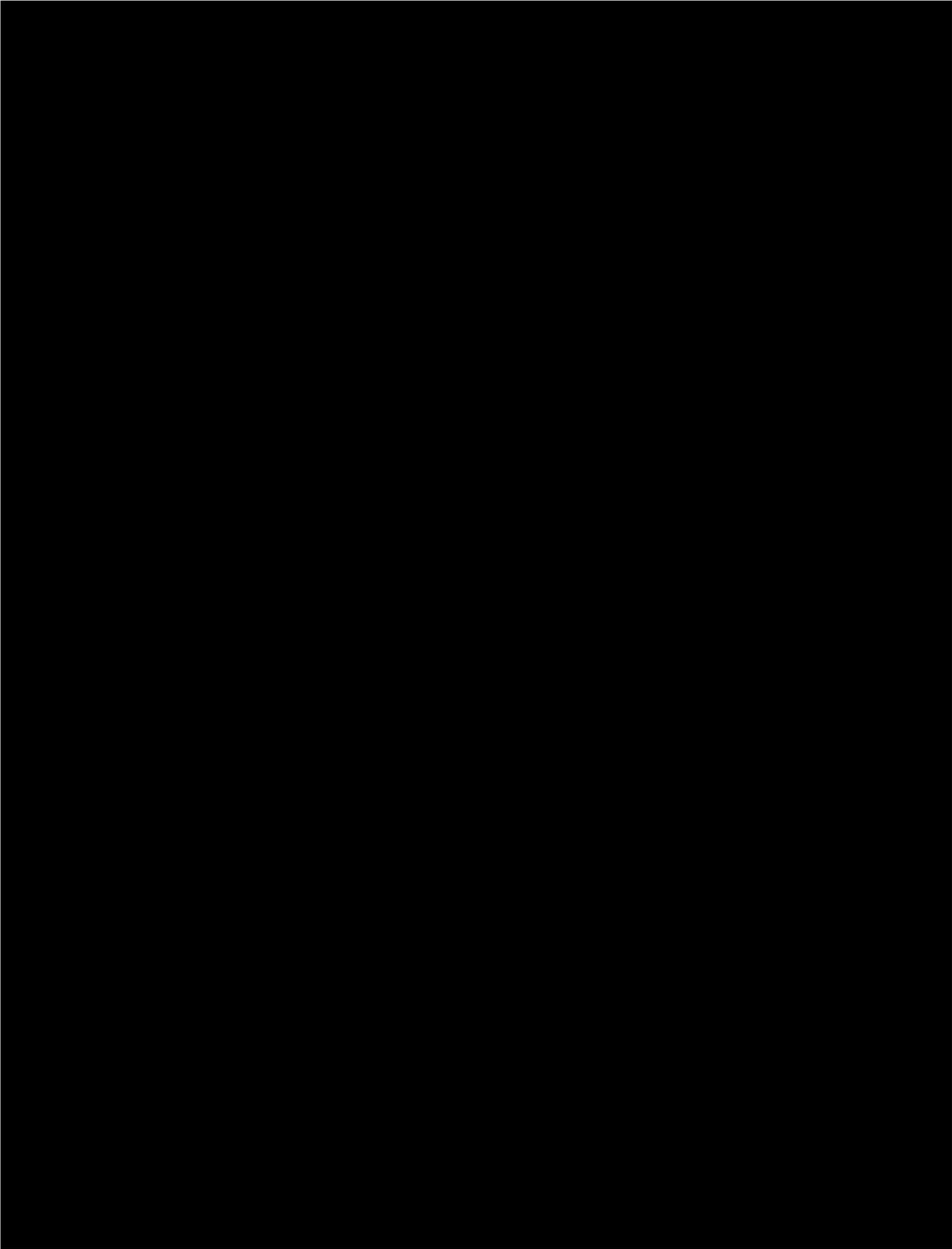


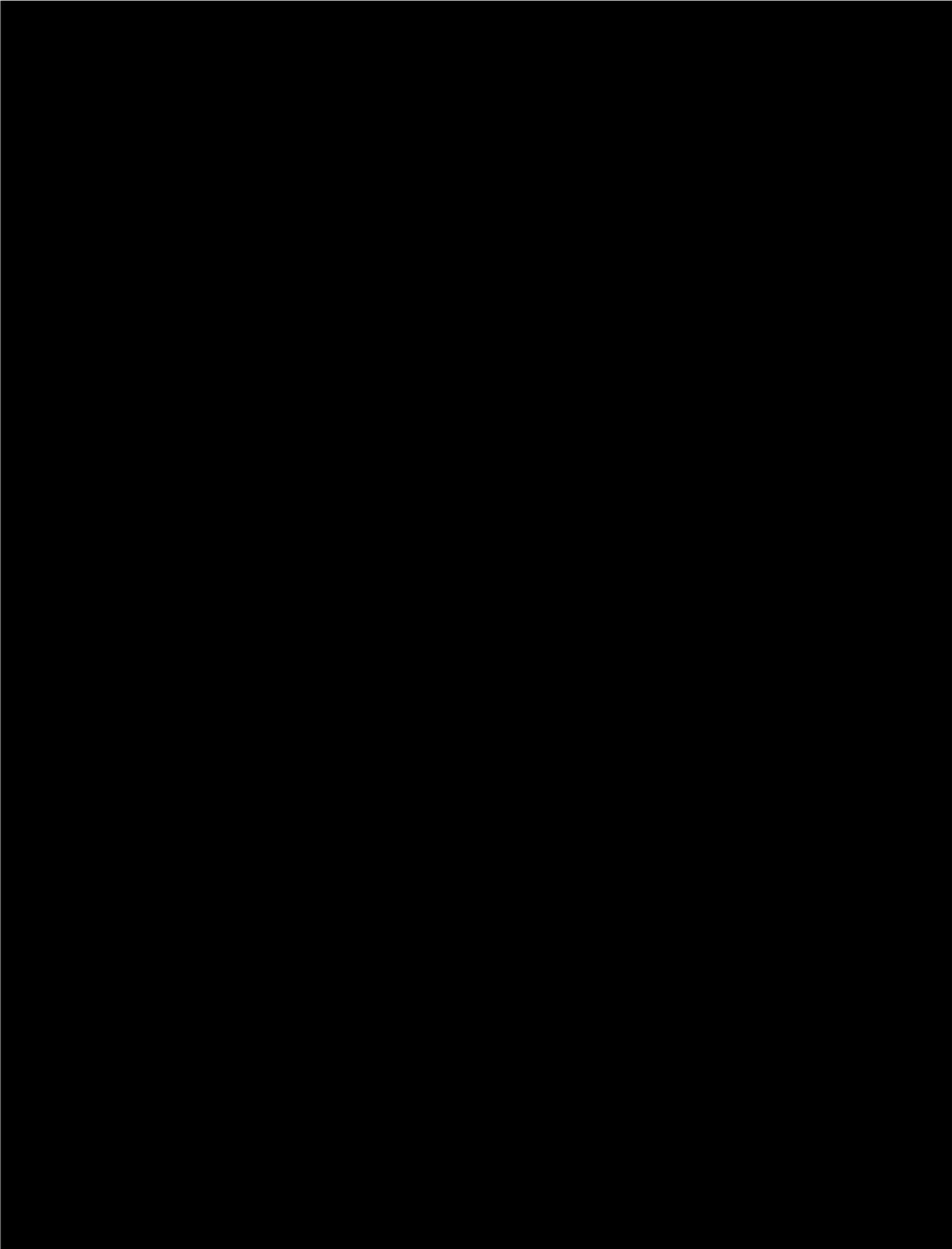


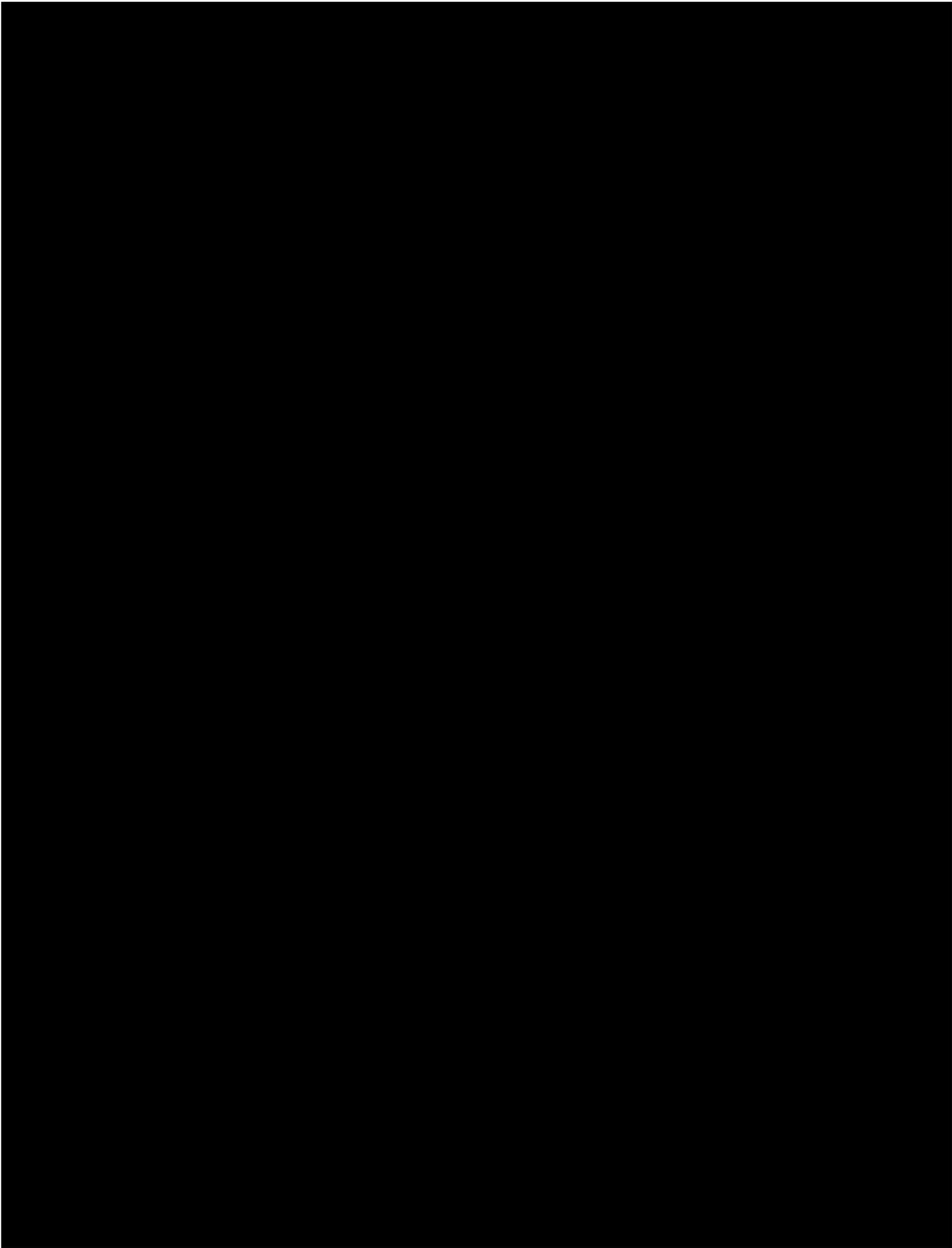


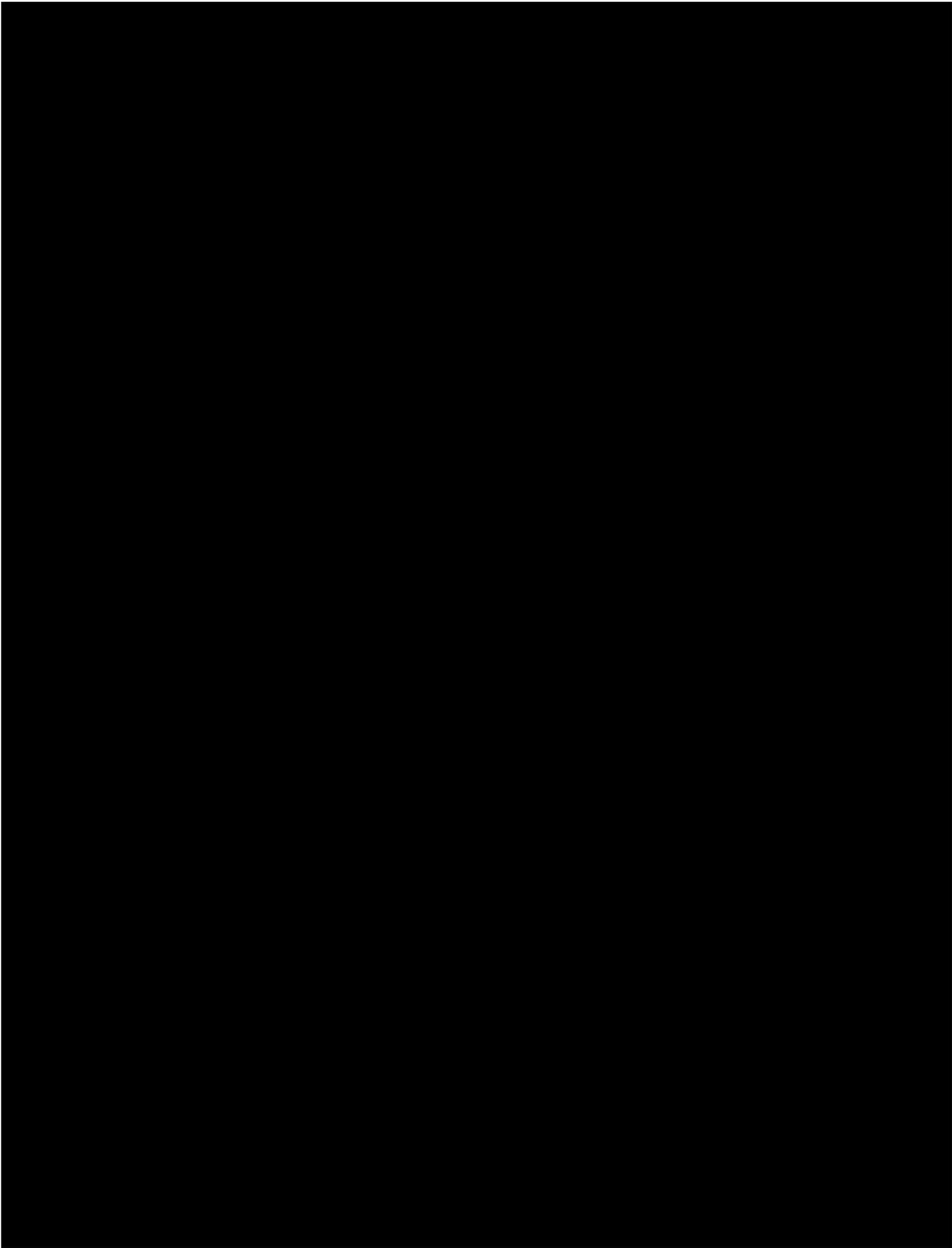


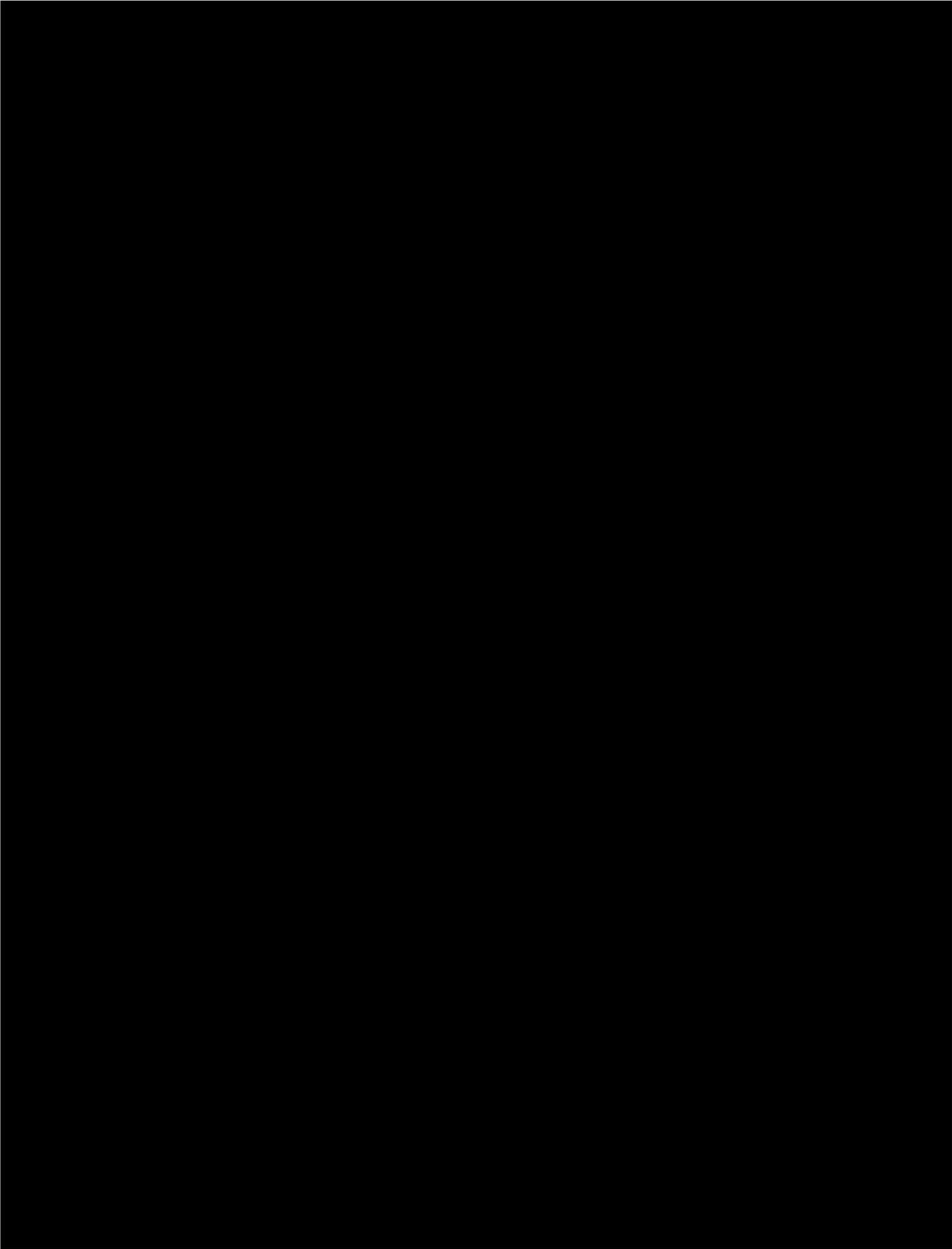


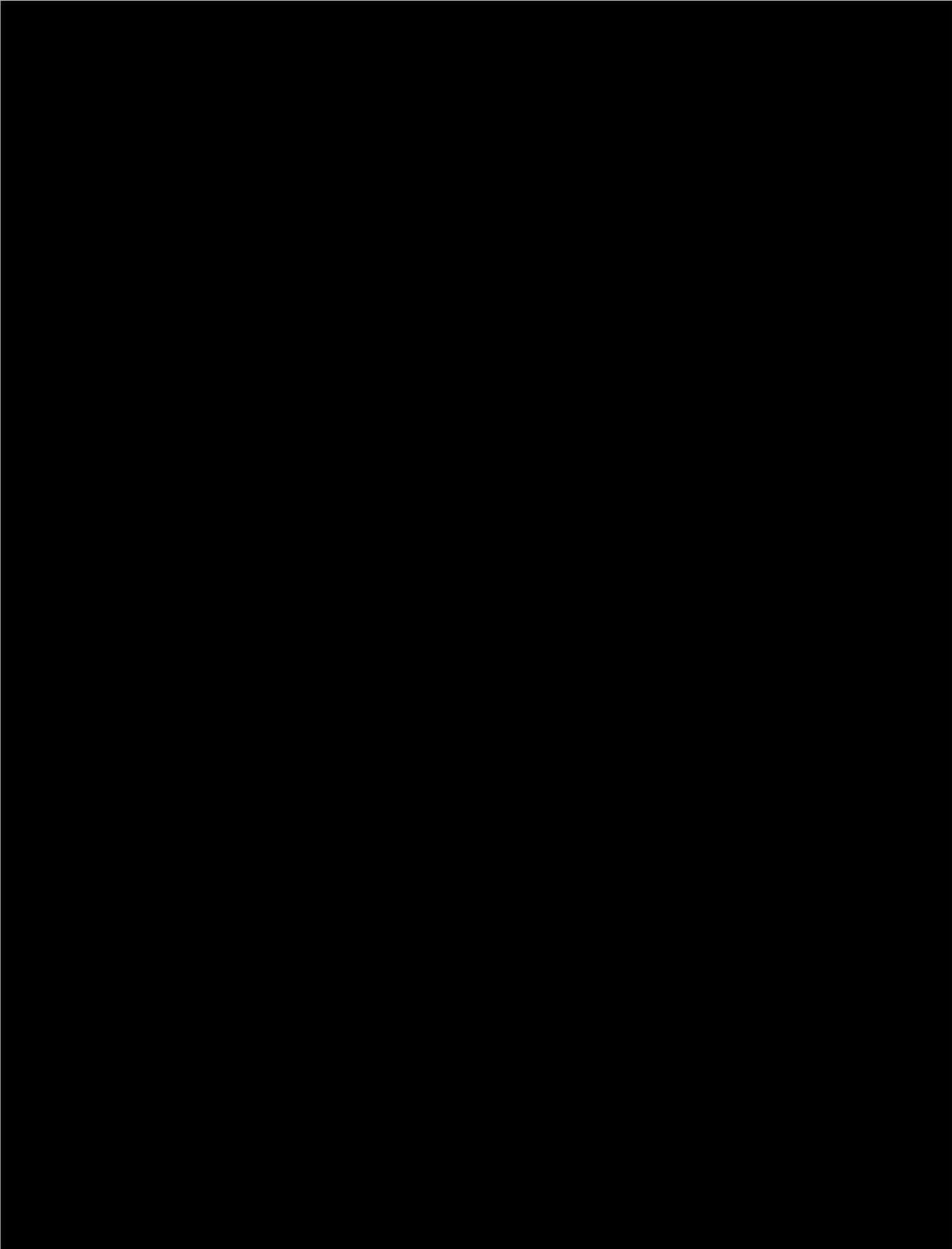


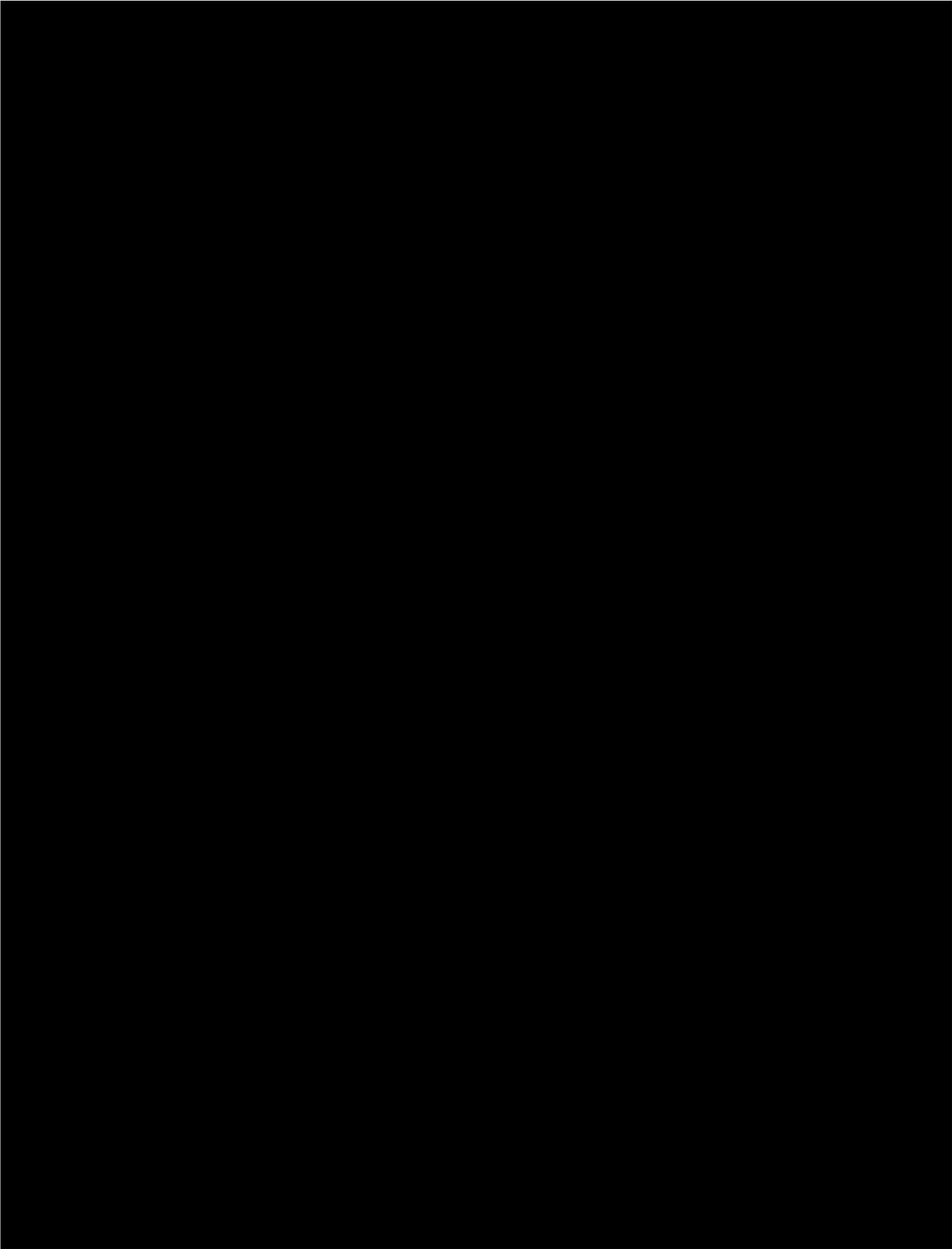


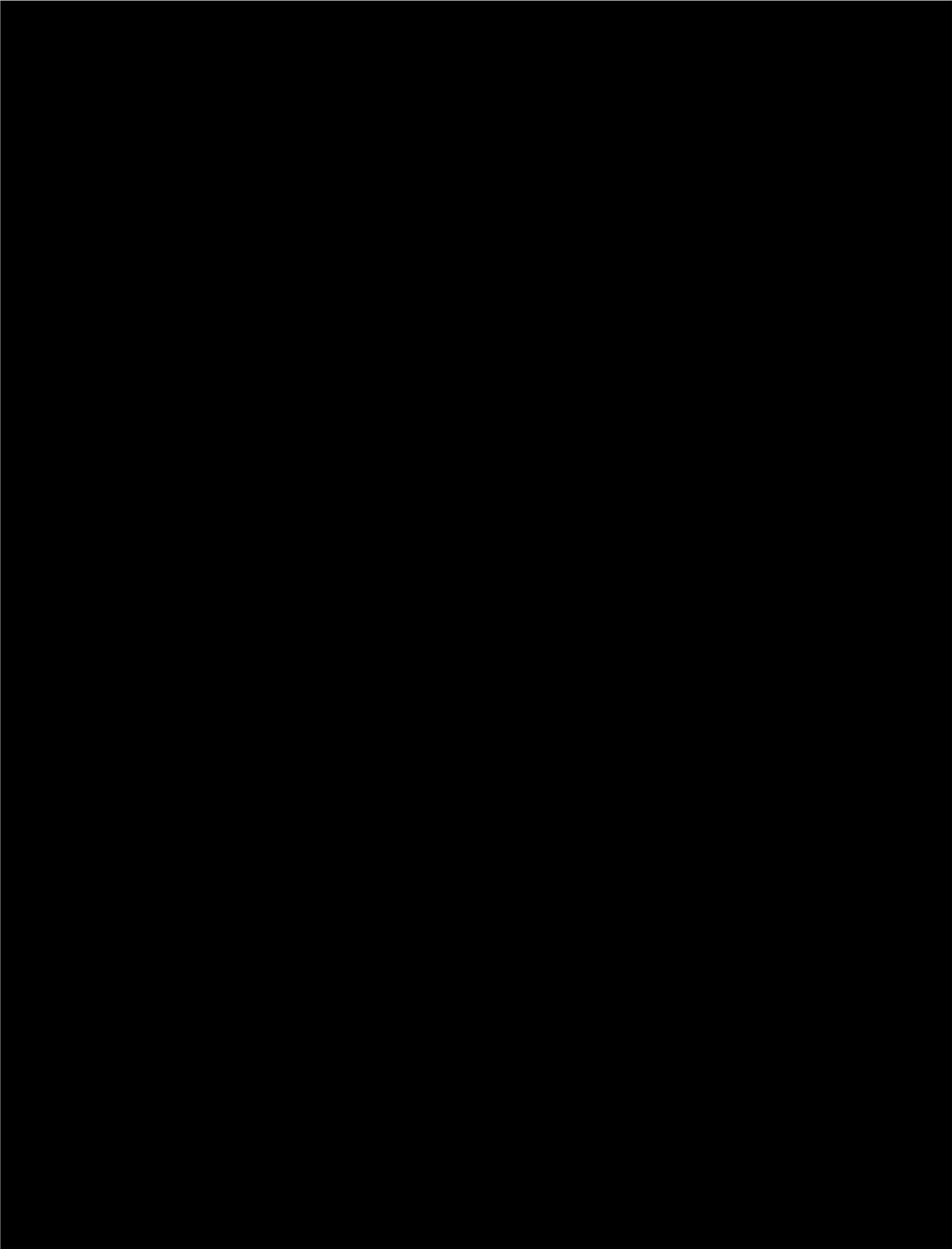


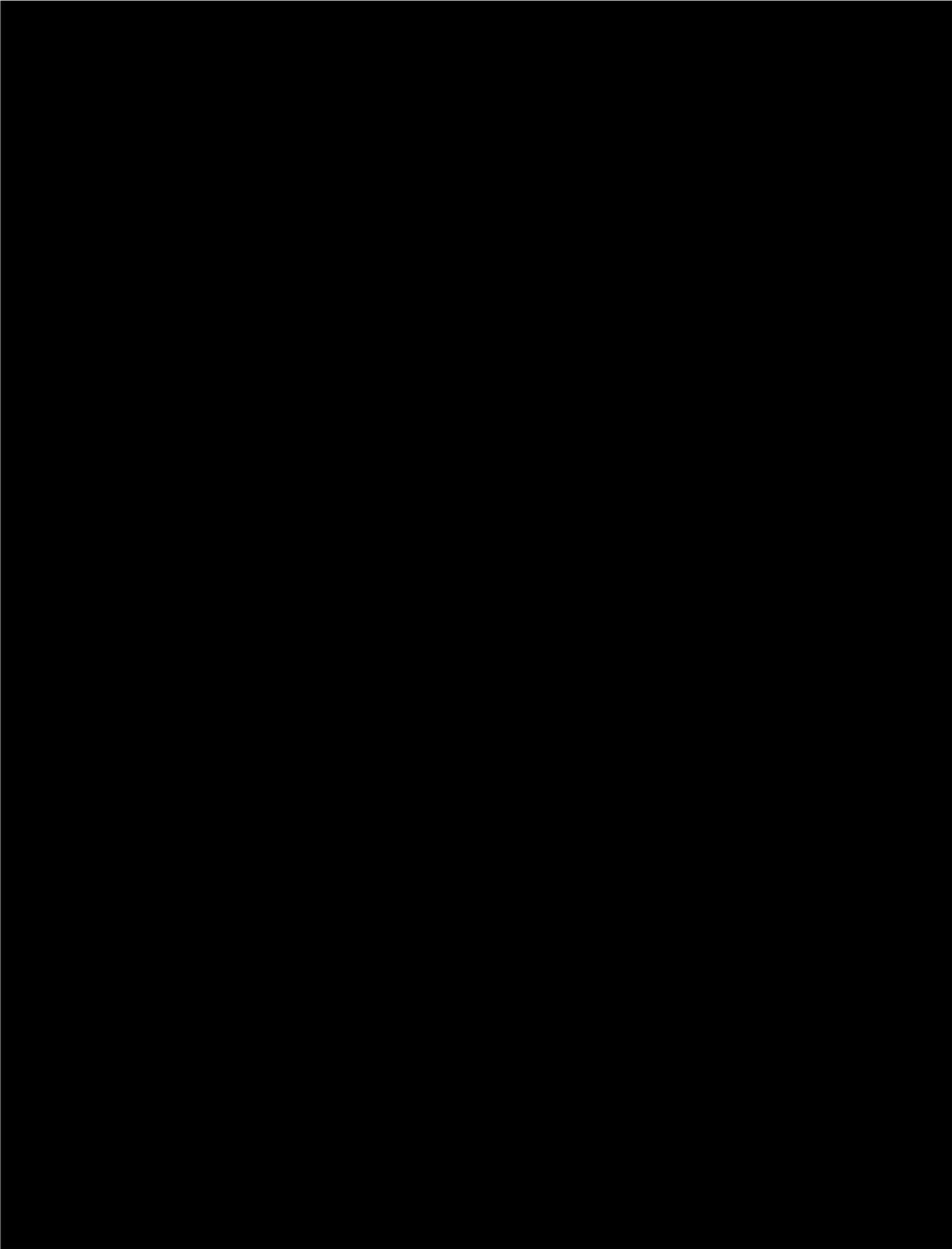


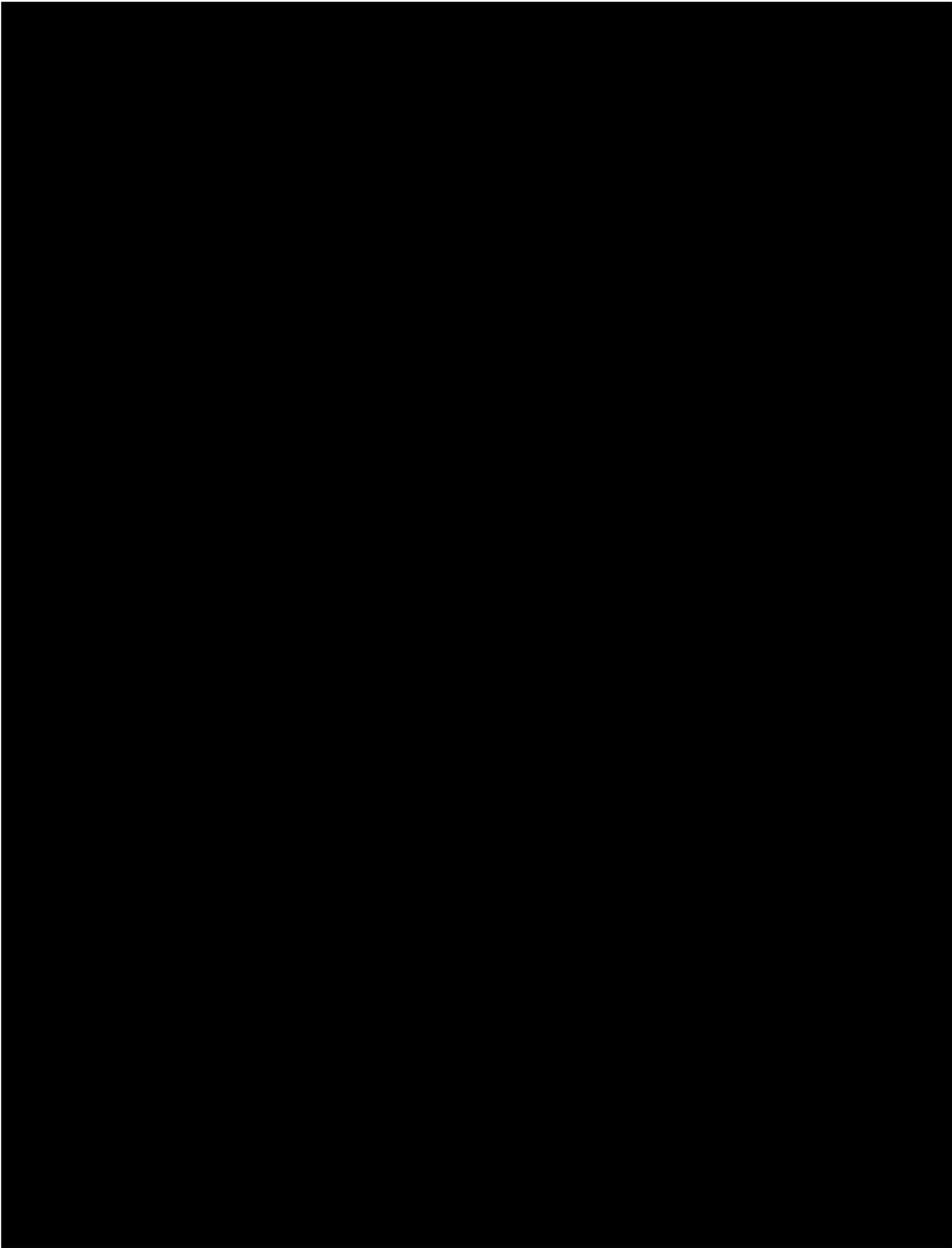


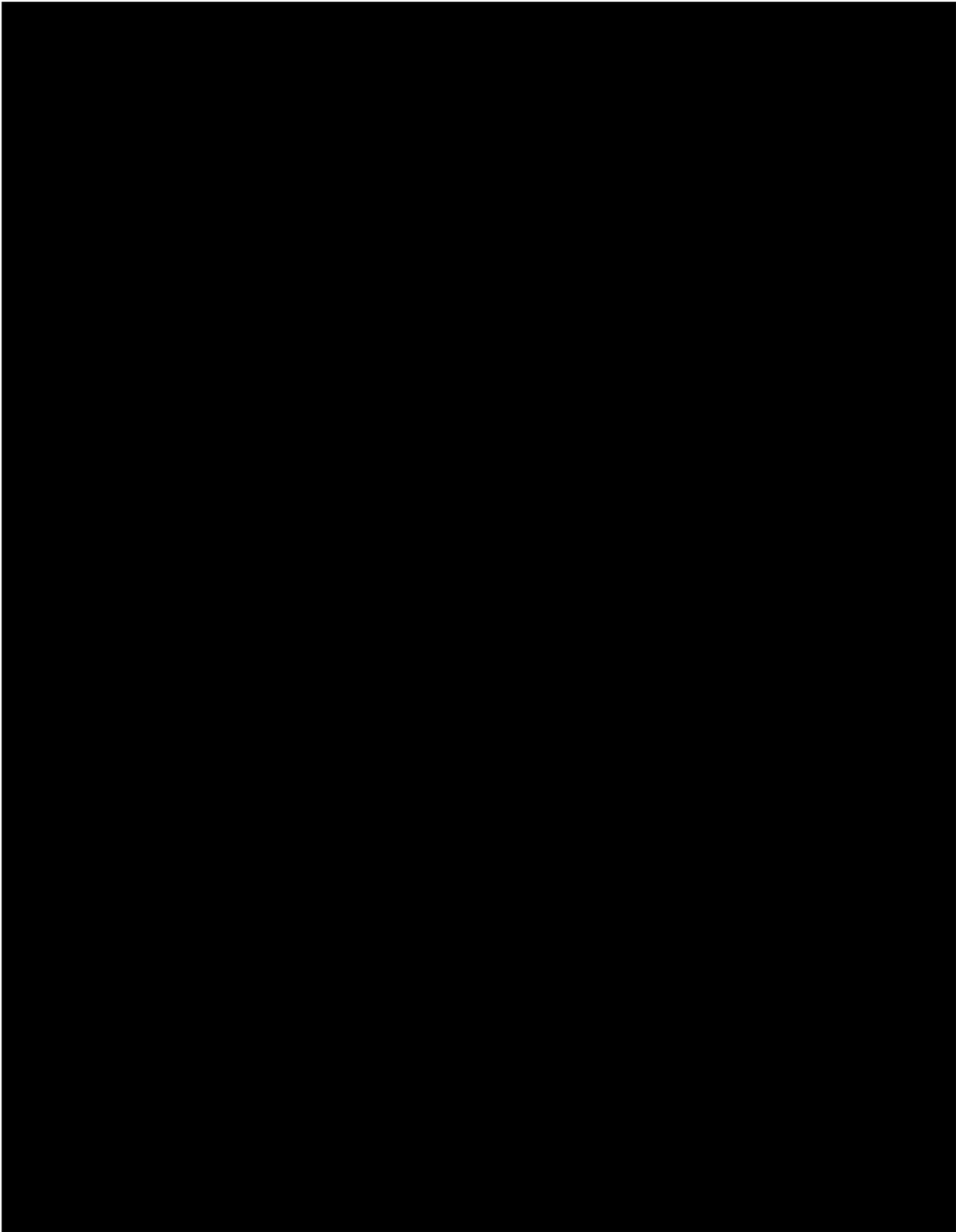


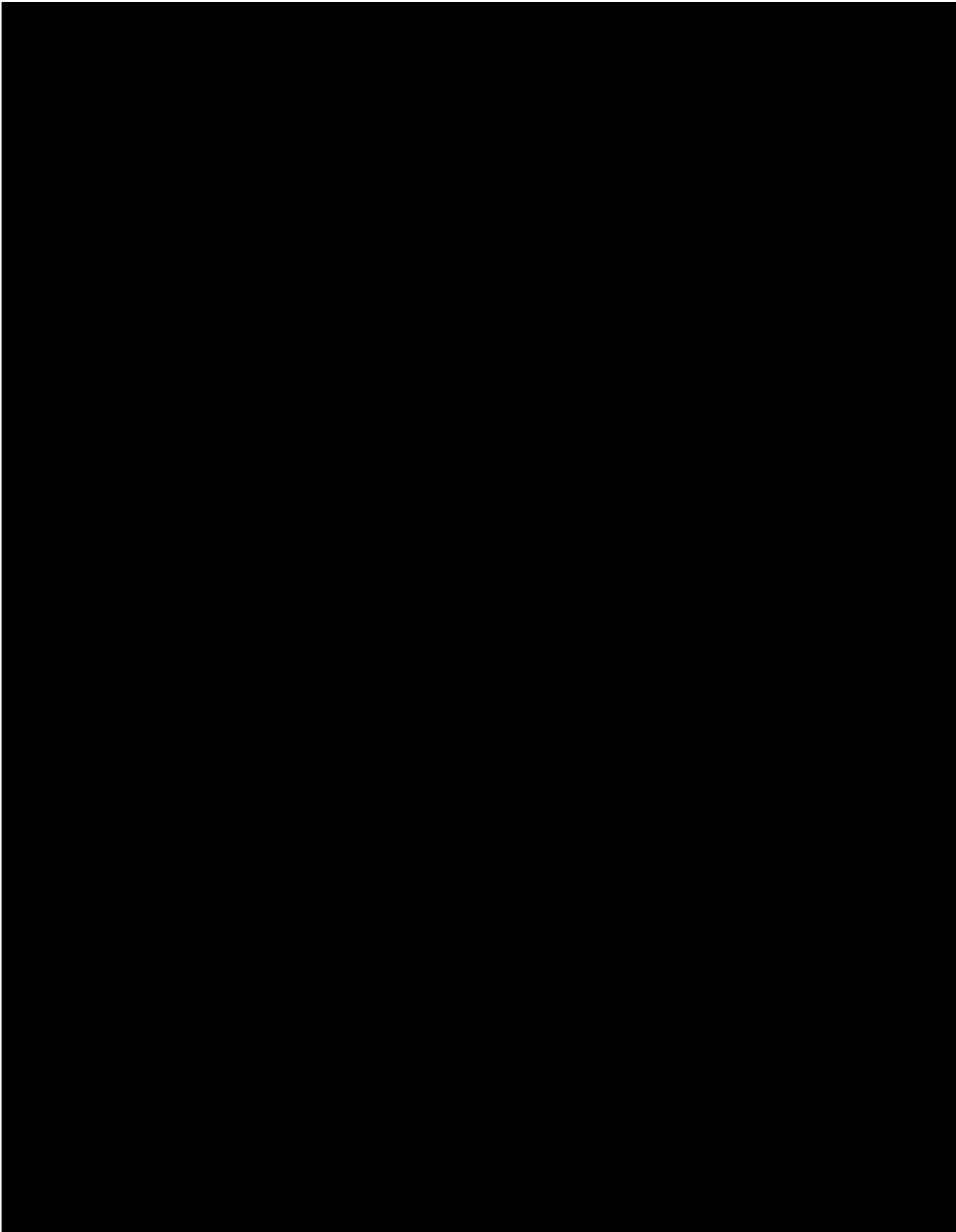


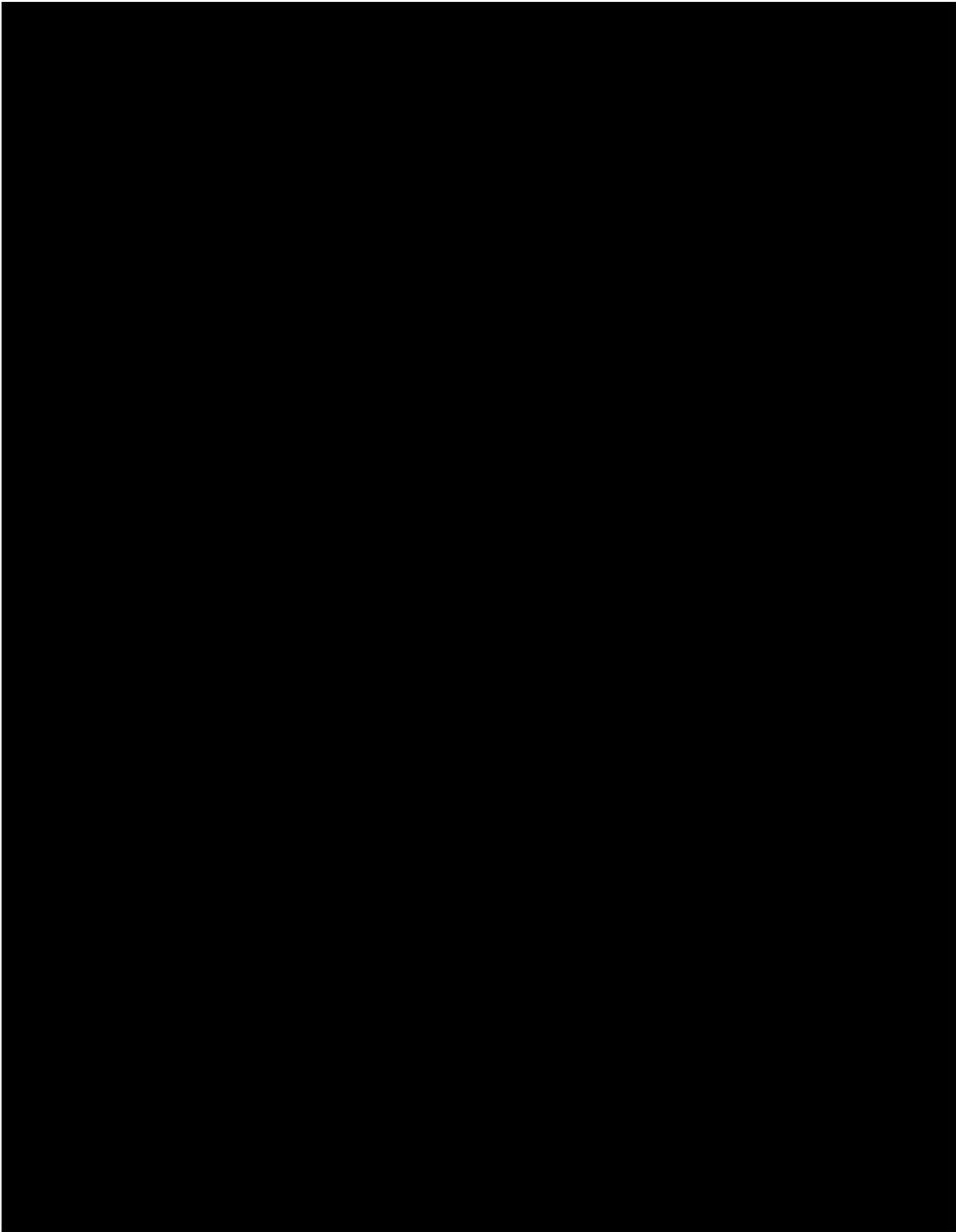


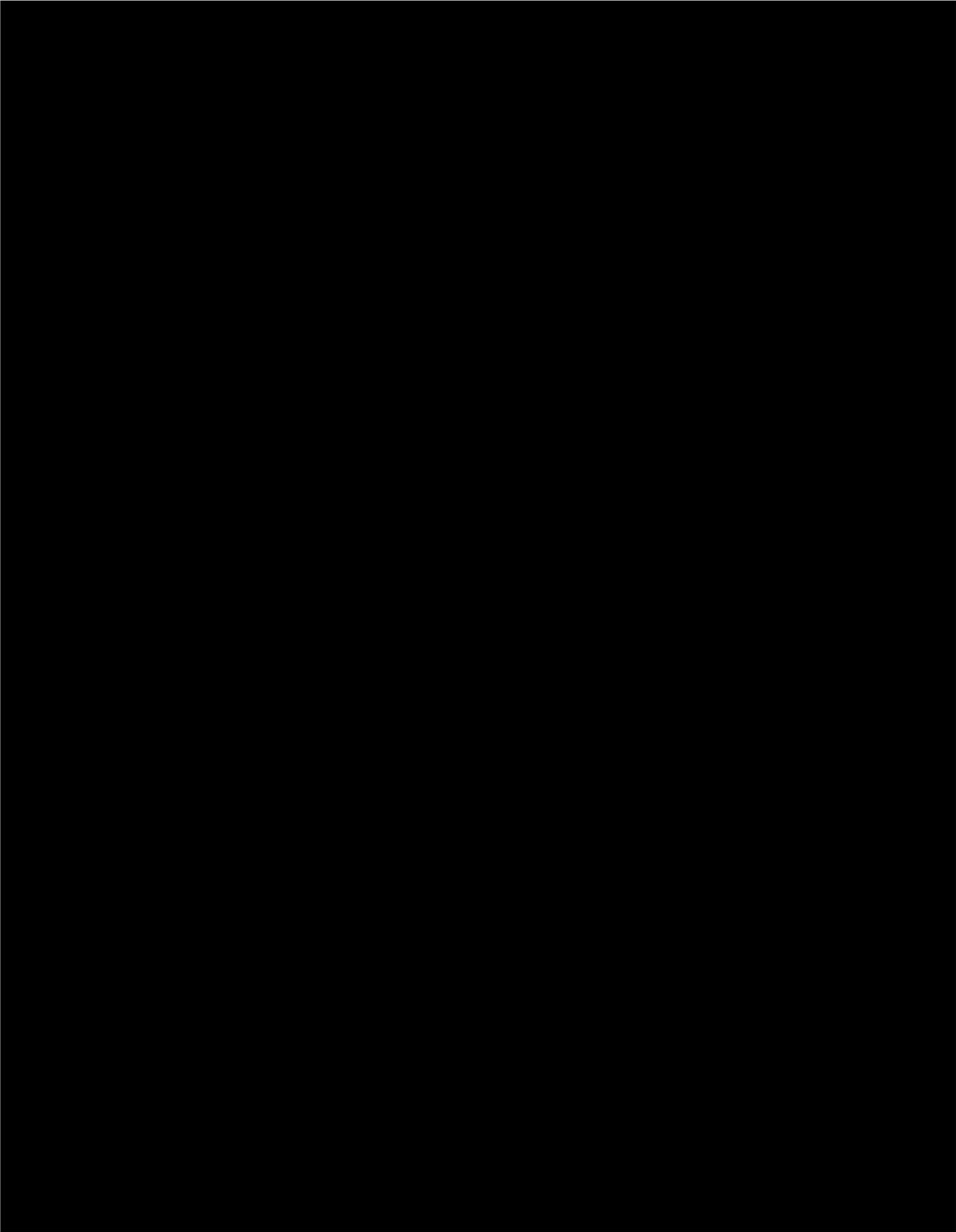


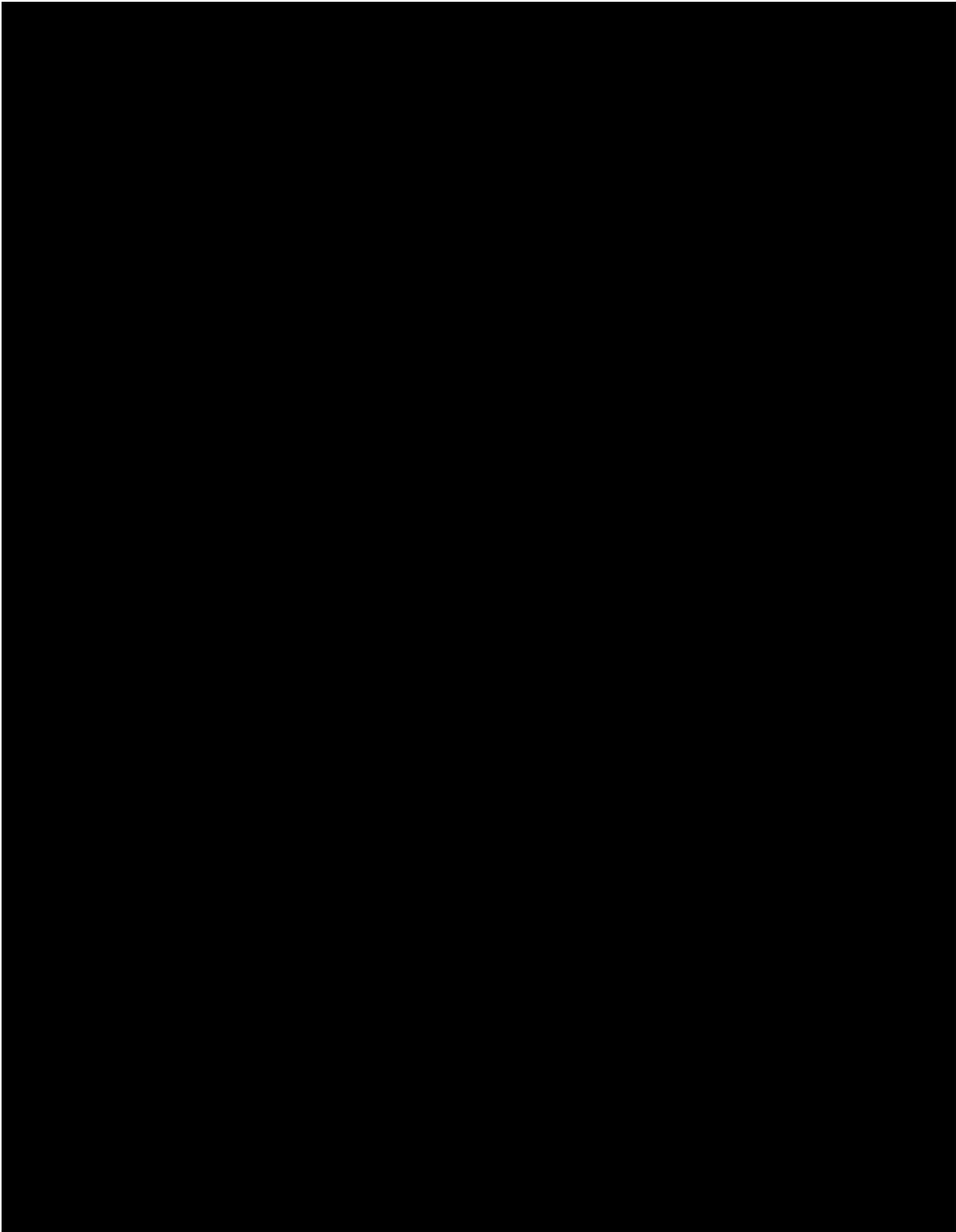


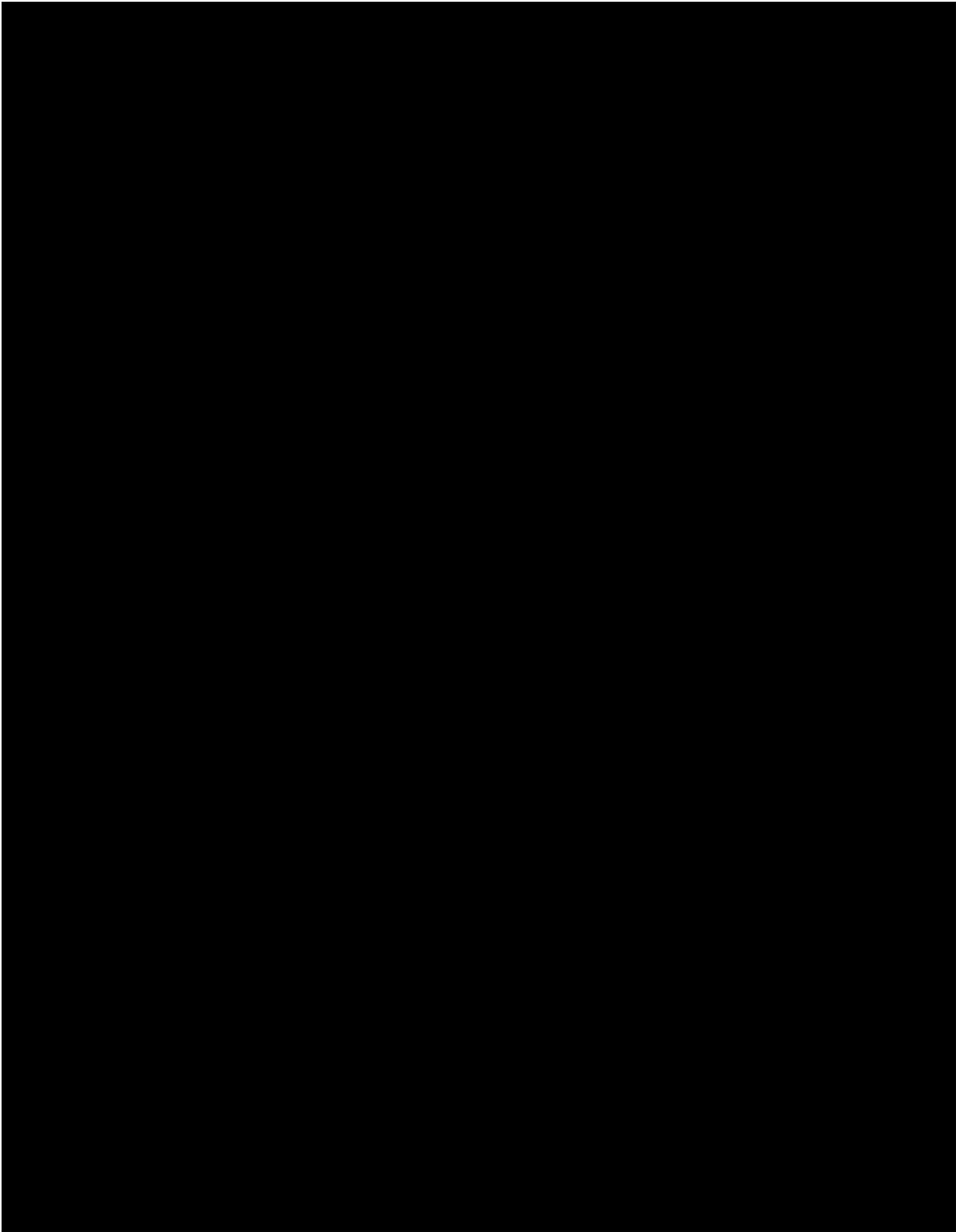


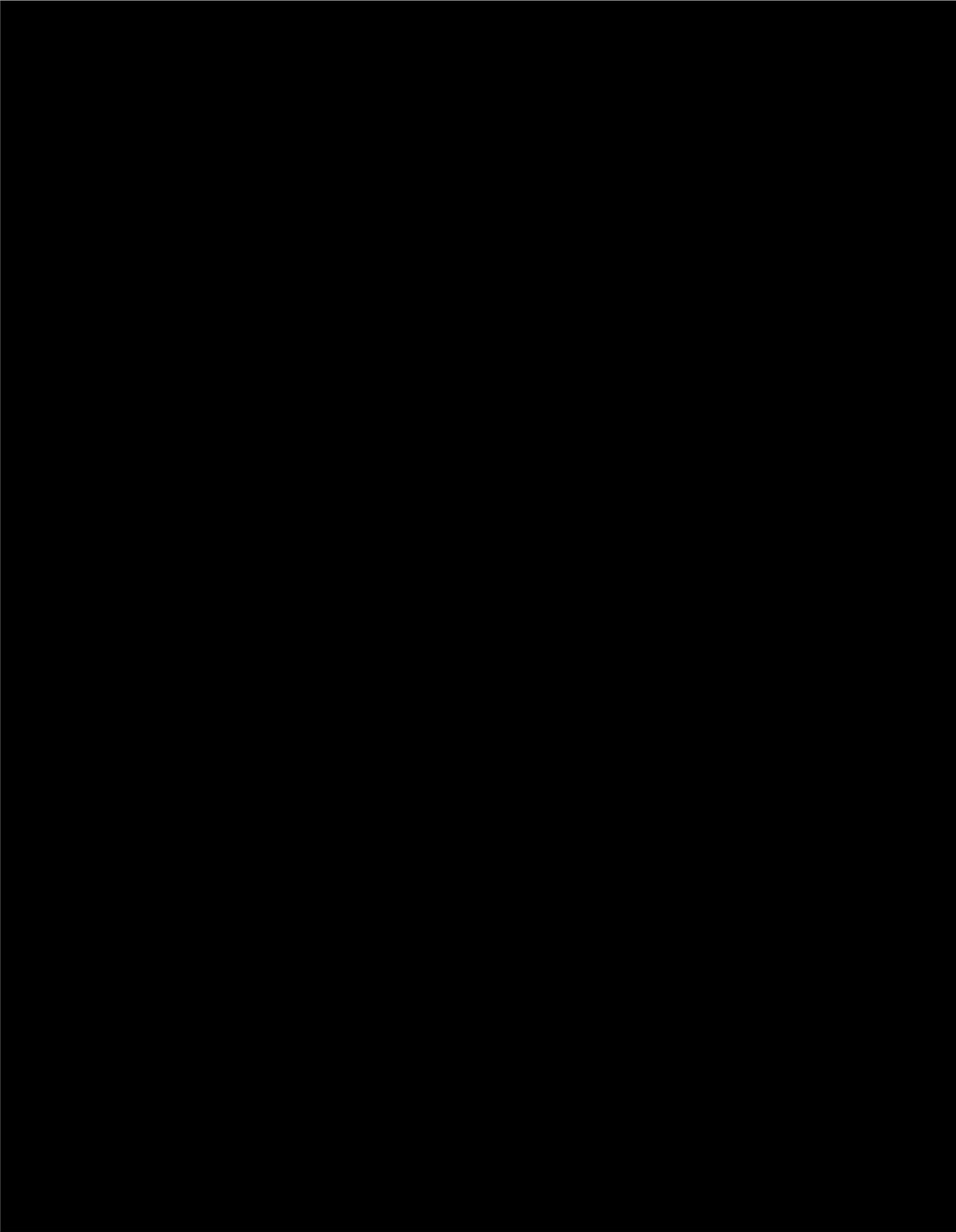


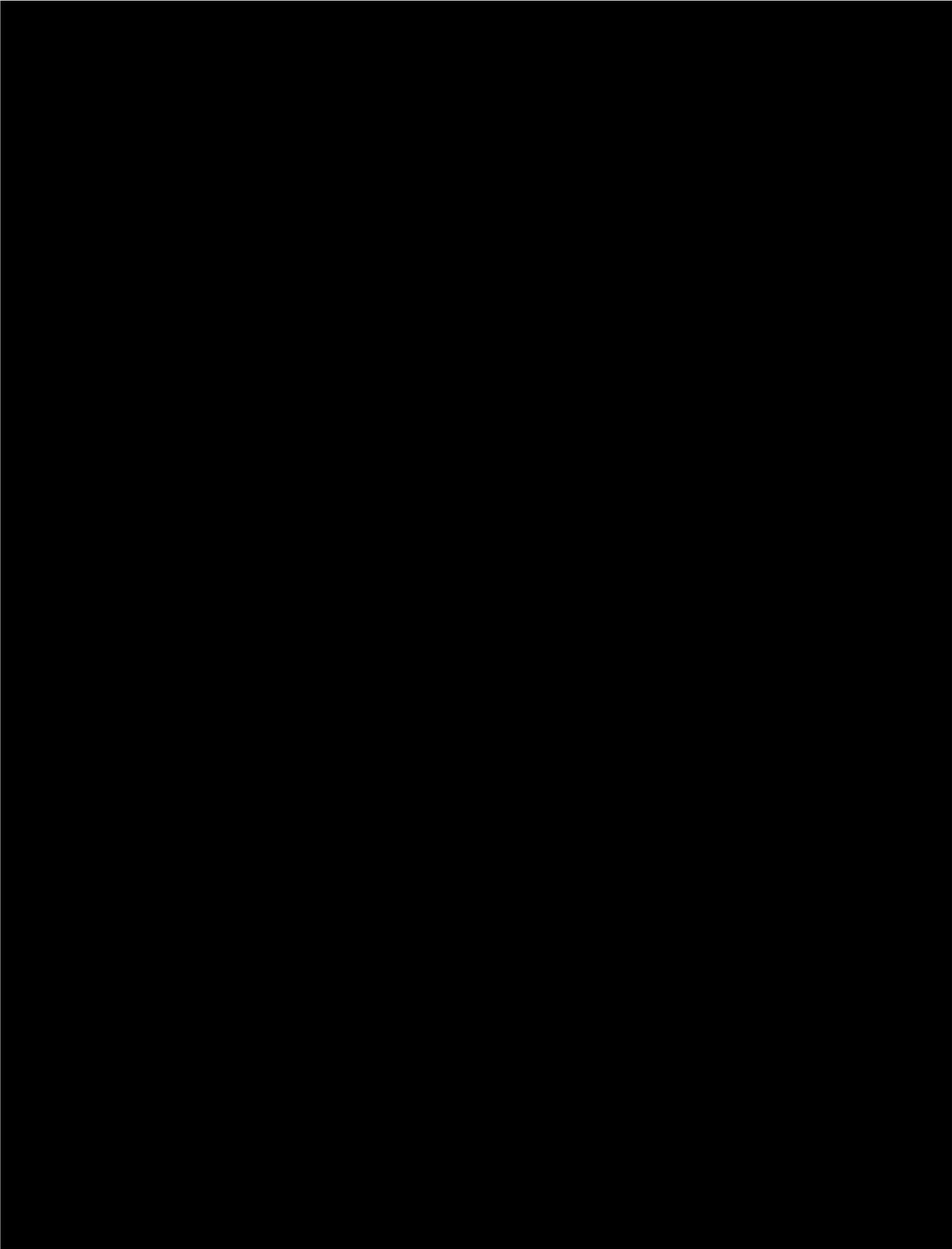


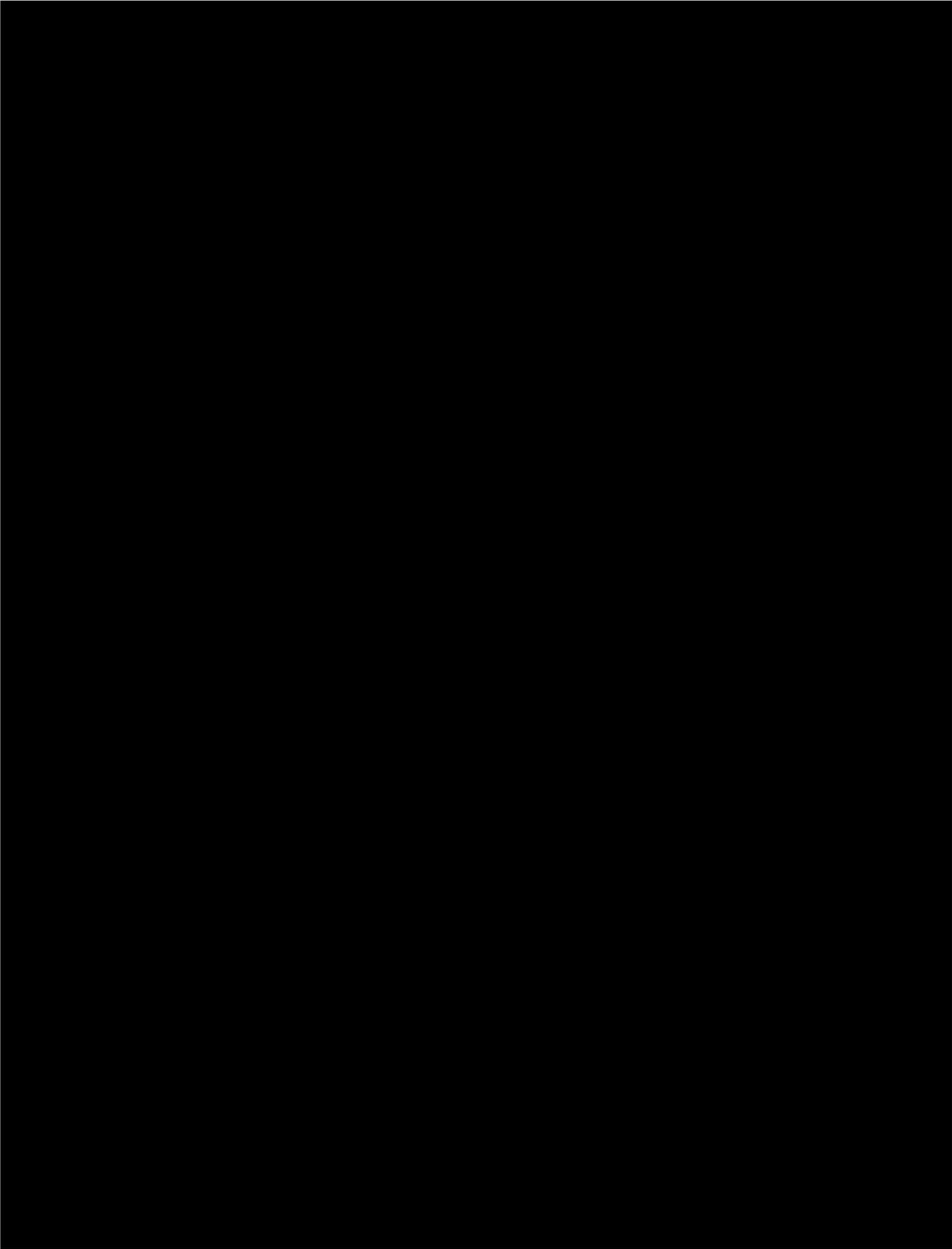


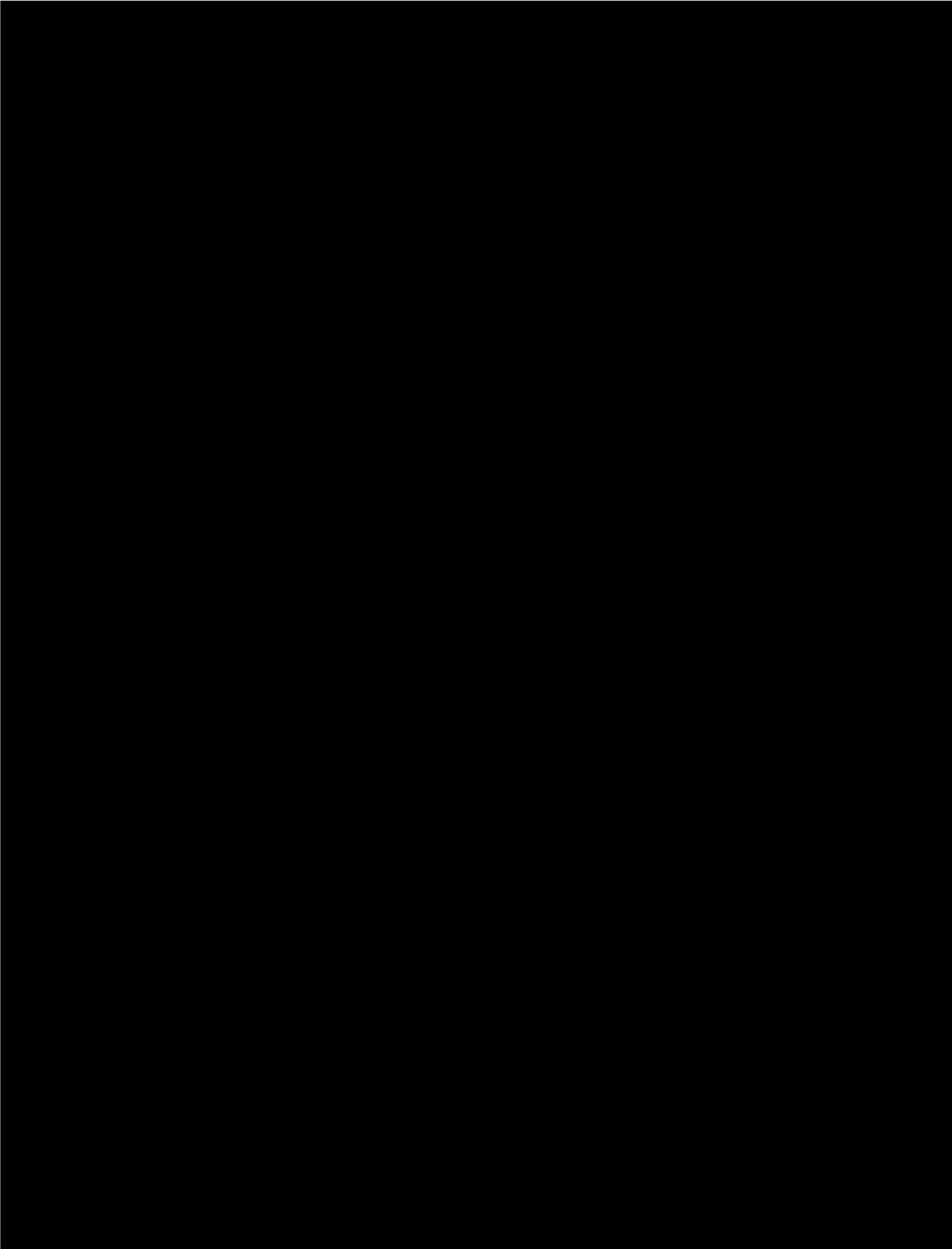












Issued by the
ARKANSAS STATE CLAIMS COMMISSION

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

JUN 29 2023

RECEIVED

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 or 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).

