



Legal & Emergency Response

4 Sylvan Way, Parsippany, N.J. 07054

Email: lerinbound@t-mobile.com

Phone: (973) 292-8911 Fax: (973) 292-8697

June 22, 2023

T-Mobile Tracking ID: [REDACTED]

Case Number: [REDACTED]

Objection

T-Mobile hereby objects to the referenced legal demand and is unable to respond to your request for the following reason(s):

In regard to identifier(s) JACQUELINE ASHCRAFT, The description of records sought is insufficient to identify a particular subscriber. Target telephone number or additional identifiers are required for conclusive search.

Notwithstanding the above objections, and without waiving same, T-Mobile may also object to the referenced legal demand for one or more of the following reason(s):

a) failure of personal service; b) lack of personal jurisdiction; c) demand is facially invalid; d) demand is overbroad, unduly burdensome and/or not refined in scope or date range; e) demand does not provide reasonable time for response; f) demand seeks electronic records that are not readily accessible; and/or g) demand seeks records that are not stored or maintained by T-Mobile.

Legal

HIPAA Team

Walmart
Save money. Live better.

702 SW 8th Street
Bentonville, AR 72716-0215
Phone 479.204.6788
Fax 479.204.9655

Dear Requestor,

The records produced herewith are accurate, complete, true, and correct copies of all records received or retrieved to the best of our knowledge by Legal pursuant to your request. Walmart Inc. is the custodian of record, that the records were kept in the regular course of business and that this is a regularly conducted business activity, that these records were made at or near the time the acts, events, conditions, opinions, or diagnoses occurred or within a reasonable time thereafter, that the charges were reasonable for similar services, necessary as payment for a prescription filled by our Walmart Health pursuant to a doctor's orders and finally that these records were made by, or from information transmitted by, a person with knowledge of the acts, events, conditions, opinions or diagnoses stated therein.

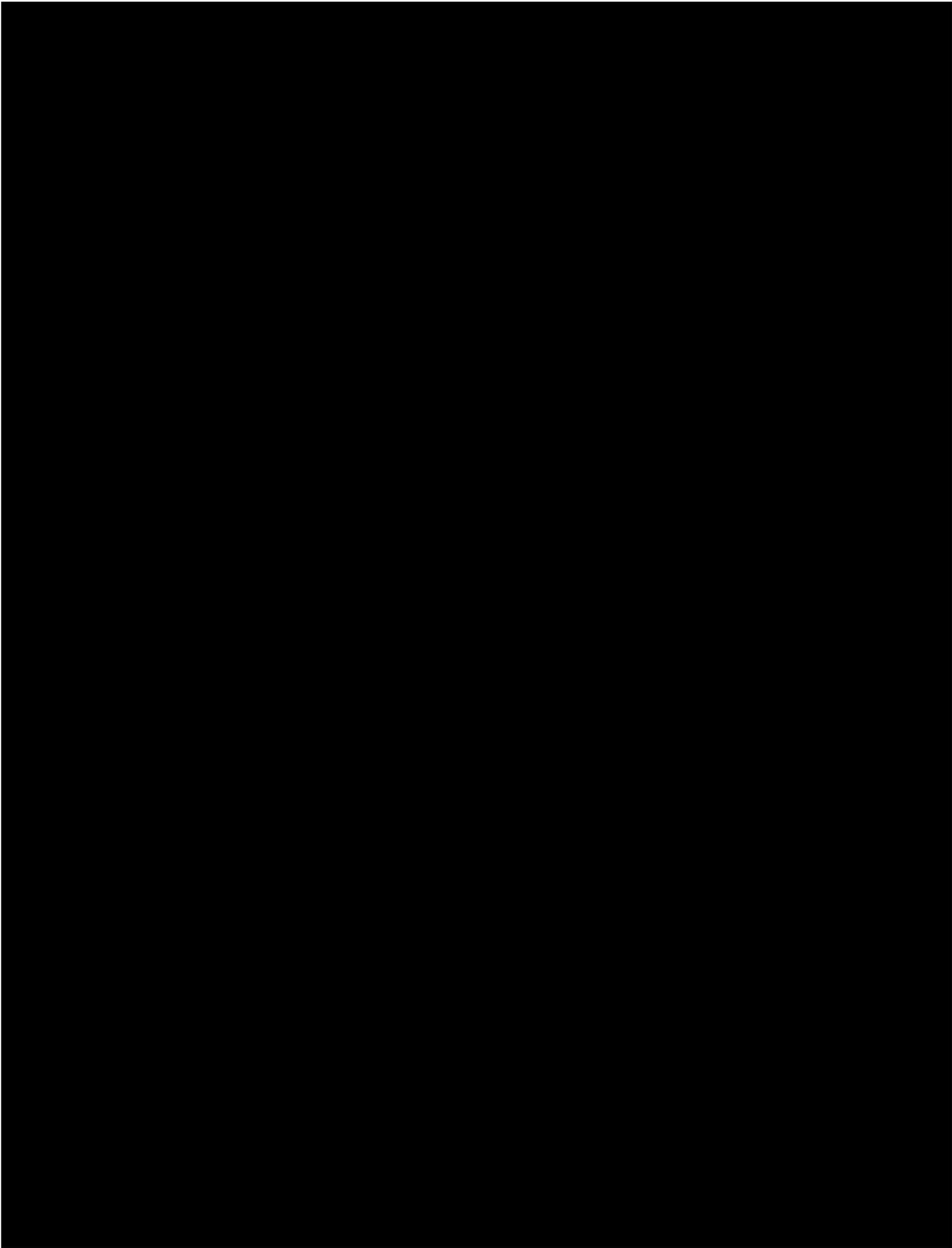
If you have any questions or need further assistance, please feel free to contact via email hportreq@wal-mart.com or phone 479-204-6788.

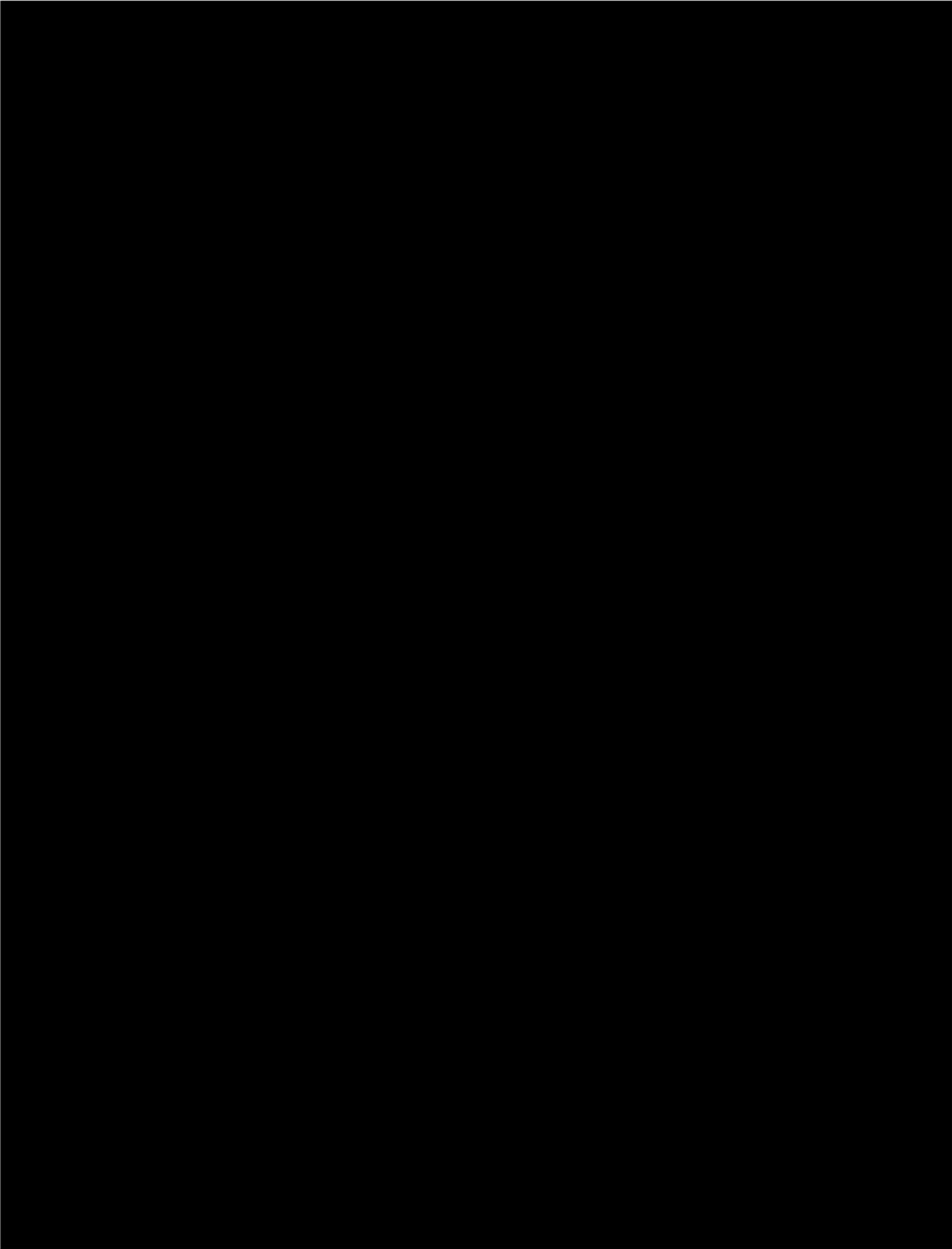
Sincerely,

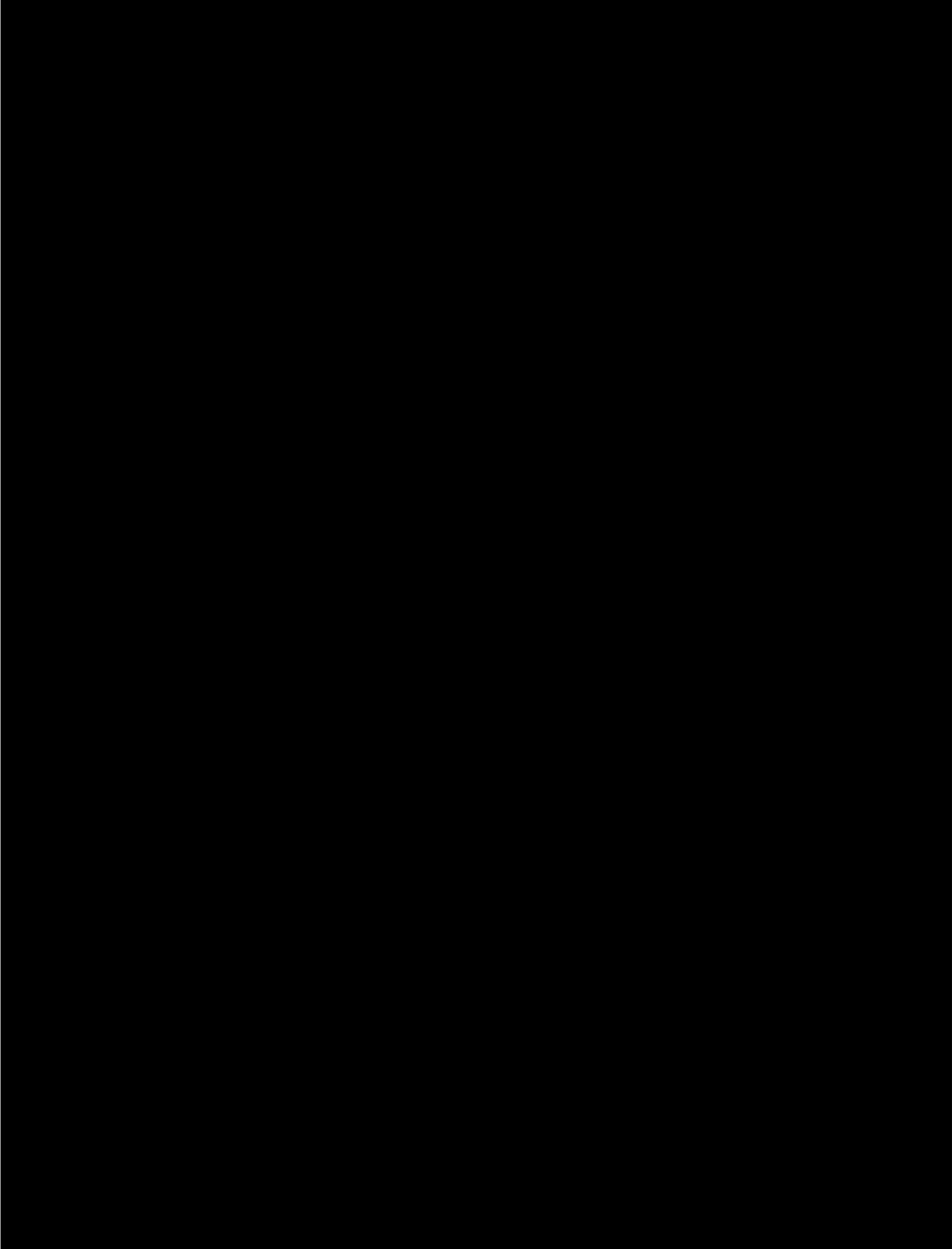
Release of Information Team
Health Information Management

Hudson000233

2102







From: [Brent Gasper](#)
To: [Unser, Kyle T.](#); [Kathryn Irby](#)
Cc: [Newton, Ivy L.](#); [Jim Jackson](#)
Subject: RE: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23
Date: Tuesday, November 14, 2023 9:40:12 AM

Yes, of course. Thank you,

brent

From: Unser, Kyle T. <Kyle.Unser@KutakRock.com>
Sent: Tuesday, November 14, 2023 9:39 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Newton, Ivy L. <Ivy.Newton@KutakRock.com>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23

[EXTERNAL SENDER]

No problem. I'll work with you however I can. Can you agree to an extension to respond to the subpoena/file a motion to quash until Friday? Just want to make sure I don't miss my deadline.

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: Tuesday, November 14, 2023 8:59 AM
To: Unser, Kyle T. <Kyle.Unser@KutakRock.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
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Subject: RE: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23

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Thanks!

brent

From: Unser, Kyle T. <Kyle.Unser@KutakRock.com>
Sent: Monday, November 13, 2023 10:38 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Newton, Ivy L. <Ivy.Newton@KutakRock.com>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23

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Mr. Gasper:

Circling back up on this one. As we discussed, I interviewed Mercy Hospital Booneville's Clinical Supervisor regarding this matter. She has been in that role since before the accident. She remembered the decedent because it was unusual that she would have been brought to Booneville (level 4 critical access hospital with CT capability but no capability to treat her injury) when Mercy Fort Smith was roughly the same distance from the accident, but Trauma Comm directed EMS to take her to Booneville so they did.

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Mercy also directed me to advise you and Mr. Jackson that as a matter of policy, Mercy's providers and nurses do not engage in *ex parte* communications with litigants or their counsel. Mercy will ask me to represent any providers or nurses with whom any of the litigants want to speak, and the conversation would only take place through a deposition.

I don't mean to be difficult. I honestly tried to figure out the best way to see if there was any institutional knowledge regarding this lady seeking care through an alias name, but there just isn't. Surely you don't mean to depose every nurse that ever worked at Mercy to follow up on this. If you do, let me know and I'll get my motion on file and we can argue to the commission about it.

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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 2:51 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Unser, Kyle T. <Kyle.Unser@KutakRock.com>
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]

Thank you, Kathryn. Kyle, I'm free the rest of the afternoon if you want to give me a shout.

Brent
501-320-8950

From: Kathryn Irby <kathryn.irby@arkansas.gov>
Sent: Monday, November 6, 2023 2:11 PM
To: Unser, Kyle T. <Kyle.Unser@KutakRock.com>
Cc: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; 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

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

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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

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This E-mail message is confidential, is intended only for the named recipients above and may contain information that is privileged, attorney work product or otherwise protected by applicable law. If you have received this message in error, please notify the sender at 402-346-6000 and delete this E-mail message.

Thank you.

From: [Kathryn Irby](#)
To: [Brent Gasper](#); [Unser, Kyle T.](#)
Cc: [Newton, Ivy L.](#); [Jim Jackson](#); [ASCC Pleadings](#)
Subject: RE: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23
Date: Wednesday, November 15, 2023 8:18:51 AM

I can confirm receipt and that the subpoena has been withdrawn. I will add this information to the claim file.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, November 15, 2023 8:17 AM
To: Unser, Kyle T. <Kyle.Unser@KutakRock.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Newton, Ivy L. <Ivy.Newton@KutakRock.com>; Jim Jackson <jim@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
Subject: RE: Mercy Hospital Booneville - Haley Hudson et al v Dept of Human Services - Production - 11-03-23

Kyle, et al:

After reviewing this with my colleagues we have determined that there is no longer a need to pursue this subpoena. As such, please consider it withdrawn.

Thank you, Kyle, for working with me on this so it didn't become a hassle!

Kathryn, if there's anything else I need to do to formally withdraw the subpoena please let me know.

Thanks,

brent

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

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

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

11-03-23

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Partner

Kutak Rock LLP

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Support provided by

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Partner

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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: [Jim Jackson](#)
To: [Brent Gasper](#); [Martha Cox](#); [ASCC Pleadings](#); [Kathryn Irby](#)
Cc: [Daiquiri Carter](#)
Subject: RE: Haley Hudson, etc. v. Arkansas DHS; State Claims Commission No. 230641
Date: Wednesday, November 15, 2023 10:43:23 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Brent,

The Notice was filed prematurely.

I can change the start time.

It was my understanding that Mr. Wilson had to give it after his work day of driving.

Let me know if 2:00 p.m. works for you on Monday, Nov. 27.

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>

Sent: Wednesday, November 15, 2023 10:09 AM

To: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>

Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>

Subject: RE: Haley Hudson, etc. v. Arkansas DHS; State Claims Commission No. 230641

Jim, thank you for your email and notice of deposition. Unfortunately, I am lodging an objection to a deposition starting at 6:00 p.m.. A deposition of Bobby Wilson is certainly a necessary one for this case but it needs to begin during the work day and end before or shortly after close of business. As a parent of children and other after-work obligations, a deposition starting at this time is a nonstarter. It is also my understanding that Mr. Wilson is currently not under a subpoena to give his deposition at this point so the time of his deposition is not set in stone, so-to-speak. I'm happy to work with you to find a mutually beneficial time that is not post-office hours.

Kathryn, is there any pertinent pleading that I need to file in excess of my objections lodged herein?

Thanks!

Brent

From: Martha Cox <mcox@jimjacksonatty.com>

Sent: Wednesday, November 15, 2023 10:03 AM

To: ASCC Pleadings <asccpleadings@arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>

Cc: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Daiquiri Carter

<daiquiri.carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>

Subject: Haley Hudson, etc. v. Arkansas DHS; State Claims Commission No. 230641

[EXTERNAL SENDER]

Please find attached for filing in the above-referenced claim a Notice of Deposition for Bobby D. Wilson.

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: [Jim Jackson](#)
To: [ASCC Pleadings: Brent Gasper](#)
Cc: [Martha Cox](#); [Daiquiri Carter](#)
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 Cou
Date: Wednesday, November 15, 2023 2:37:09 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[Letter to informally supplement discovery.pdf](#)

Brent,
Attached is Mr. Cain's revised investigative report.
Please let me know if you have any issues opening the PDF or the Hyperlink inserted in the letter.
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
□ □ □



November 15, 2023

Mr. Brent Gasper
Arkansas Department of Human Services
Third Party Liability Unit
P.O. Box 1437, Slot W-296
Little Rock, AR 72203-1437

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

Dear Brent,

I am writing to informally supplement the claimant's Response to Request for Production No. 11. Please find below a hyperlink to Mr. Stanley Cain's revised investigative file. Also, attached is a PDF of his revised written report. This revised report should clarify the issues that Mr. Kerley expressed during his deposition.

[Stanley Cain Revised Investigative File](#)

Please call me at (501) 823-3610 if you have any issue opening this hyperlink.

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosure
cc: Claims Commission Filings

Stanley B. Cain Accident Reconstructionist, LLC

P.O. Box 836, Waldron, AR 72958

INVESTIGATION REPORT

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

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

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

ITEMS RECEIVED

1. Arkansas Motor Vehicle Collision Report from the Arkansas State Police (Report [REDACTED])
2. Crash scene photographs taken by Arkansas State Police.
3. Scene photographs taken by Mr. Jim Jackson.
4. Correspondence emails from the Arkansas Department of Human Services, regarding their internal investigation of the collision.
5. Deposition transcript of Trooper James Ray.
6. Deposition transcript of Ms. Holly Newman.
7. Deposition transcript of Ms. Kristen Shelton.
8. Logan County Sheriff's Office Call for Service radio log.
9. Arkansas State Police Radio Transmission Log Form.
10. Arkansas State Police Fatal Crash Preliminary Reporting Form.
11. ARDOT Manufactured Home Transport Permit, issued to GKD Management.
12. Affidavit of Mr. Bobby Wilson.
13. Written statement completed by Mr. Bobby Wilson.
14. Arkansas State Crime Laboratory Report of Laboratory Analysis for Ms. Jacqueline Ashcraft and Ms. Jennifer Wilkerson.
15. Preliminary Report completed by Mr. Michael Kerley with Jackson Reconstruction.
16. Medical records from Mercy Health System for Ms. Jacqueline Ashcraft and Miss Kadey Jones

BACKGROUND INFORMATION

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

Location: Arkansas State Highway 22, Paris, Arkansas.

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

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

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

SCENE INSPECTION

On 5/20/23, I went to the scene for observations, photographs, and measurements. Highway 22 is a two-lane State Highway consisting of one westbound lane and one eastbound lane, separated by a

double yellow line, and bordered by white fog lines. The highway is bordered on both sides by improved shoulders. Each lane is approximately 11 feet wide. The eastbound shoulder is approximately 7.6 feet wide, and the westbound shoulder is approximately 7.3 feet wide. I did not observe any line-of-sight issues present that would hinder the view of traffic in either lane.

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

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

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

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

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

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

To document the above listed roadway evidence, I completed a scene diagram with Virtual Crash 3 Accident Reconstruction Software, and I scaled the diagram by following the procedure outlined by Virtual Crash. For more information, refer to the scene diagram.

VEHICLE INSPECTIONS

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

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

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

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

ANALYSIS AND CALCULATIONS

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

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

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

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

To further analyze the potential variability in the impact speed of vehicle 2, I calculated post-impact speeds for both vehicles using a roadway coefficient of friction of 0.60. In addition, the scene

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

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

photographs depicted only three post-impact skid marks for vehicle 2. Therefore, I adjusted the deceleration factor for vehicle 2.

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

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

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

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

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

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

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

During the scene inspection I observed that the eastbound lane was bordered by an improved paved shoulder, and the shoulder measured approximately 7.6 feet wide. The vehicle specifications for vehicle

2 list that it is approximately 5.9 feet wide for overall width. The shoulder would have provided Ms. Wilkerson with adequate room to maneuver her vehicle around vehicle 1 and avoid the collision altogether or greatly reduce the severity of the collision. The placement of the vehicles at impact indicates that vehicle 2 was veering to the right and possibly attempting to avoid the impact.

Mr. Michael Kerley, with Jackson Reconstruction, provided information during his investigation as to validity of the weights of vehicle 1 and vehicle 2 which I used in my momentum calculations. In response to the question of the calculated weights used for the momentum calculations, I have provided documentation and adjustment to the original weights listed in the AR PRO Calculation Reports.

To complete my speed calculations, I had to obtain the appropriate total weight of vehicle 1 and vehicle 2 to include all occupants. Mr. Jackson provided me with medical records from Mercy Health System for both Jacqueline Ashcraft and [REDACTED], and these records provided weights for both individuals. [REDACTED] she was examined on 6/24/2021. Jacqueline Ashcraft's weight was reported to be 115 pounds when she was examined on the day of the collision. No information was available to obtain the exact weight of the remaining occupants in either vehicle. Therefore, I used average weights to provide that data.

The average reported weight for 10-year-old females is approximately 72 pounds.³ The average reported weight for 33-year-old females is approximately 171 pounds.⁴

I obtained the vehicle weights for both vehicles from the Canadian Vehicle Specification database accessed through the National Highway Transportation Administration (NHTSA) website. I used the VIN decoder, also available through the NHTSA website, to obtain a specific description of each vehicle.

With the vehicle description, I located the approximate weight of the subject vehicles. A 2005 Hyundai Sonata has an approximate weight of 3254 pounds reported on the NHTSA website. I located an additional resource, through Motortrend Publishing, which reported the approximate weight of that vehicle at approximately 3217 pounds.

A 2009 Hyundai Elantra has an approximate weight of 2894 pounds reported on the NHTSA website. Addition information, listed under NHTSA crash tests provided the following weight data:
 NHTSA crash test #5884: 2877 pounds (2007 Elantra).
 NHTSA crash test #9824: 2850 pounds (2009 Elantra).

For additional information, refer to the attached vehicle specification documents, NHTSA crash test reports, and the VIN decode reports. For my calculation, I used the lowest vehicle weight value for Ashcraft, and the highest vehicle weight value for Wilkerson, to provide the lowest possible speed estimate for Wilkerson.

| VEHICLE WEIGHTS (POUNDS) | | |
|---------------------------------|-----------------------------|------------------------------|
| | VEHICLE 1 (ASHCRAFT) | VEHICLE 2 (WILKERSON) |
| Vehicle | 3217.0 | 2894.0 |
| Driver | 115.0 | 171.0 |
| Passenger | | |

³ <https://www.lifemeasure.com/weight-charts/girls/10-years-old>

⁴ https://www.medicinenet.com/weight_women/article.htm

| | | |
|--------------|------------|------------|
| [REDACTED] | [REDACTED] | [REDACTED] |
| Total Weight | 3590.0 | 3065.0 |

| REVISED IMPACT SPEED FOR WILKERSON (MPH) | | | |
|--|-----------------------|-------------------|-------------------|
| Coeff. of Friction | Ashcraft (Stationary) | Ashcraft (10 MPH) | Ashcraft (20 MPH) |
| 0.70 | 72.8 | 61.1 | 49.4 |
| 0.57 | 69.6 | 57.8 | 46.1 |
| 0.60 | 68.3 | 56.6 | 44.9 |
| 0.49 | 65.3 | 53.6 | 41.9 |

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

RESULTS AND CONCLUSIONS

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

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

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

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

By: *Stanley B. Cain*

ACTAR #1686

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

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

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

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

$$(3065.0000 \times V_1) + (3590.0000 \times 0.0000) = (3065.0000 \times 33.4400) + (3590.0000 \times 33.6300)$$

$$(3065.0000 \times V_1) + 0.0000 = 102493.6000 + 120731.7000$$

$$(3065.0000 \times V_1) + 0.0000 = 223225.3000$$

$$(3065.0000 \times V_1) = 223225.3000 - 0.0000$$

$$(3065.0000 \times V_1) = 223225.3000$$

*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.***

$$V_1 = \frac{223225.3000}{3065.0000} \quad V_1 = 72.8304$$

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3065.0000
The After Impact Speed of Veh 1 is: 33.4400
The Wt of Veh 2 (lbs) is: 3590.0000
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: 72.8304
The Vel of Veh 1 in fps is: 106.8179

Calculation Notes:

****REVISED WEIGHTS*****

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 | 72.8304 | 8.0000 | 63.4601 | 16.0000 | 54.0898 |
| 1.0000 | 71.6591 | 9.0000 | 62.2888 | 17.0000 | 52.9185 |
| 2.0000 | 70.4878 | 10.0000 | 61.1175 | 18.0000 | 51.7472 |
| 3.0000 | 69.3165 | 11.0000 | 59.9462 | 19.0000 | 50.5759 |
| 4.0000 | 68.1452 | 12.0000 | 58.7749 | 20.0000 | 49.4046 |
| 5.0000 | 66.9739 | 13.0000 | 57.6036 | | |
| 6.0000 | 65.8027 | 14.0000 | 56.4323 | | |
| 7.0000 | 64.6314 | 15.0000 | 55.2611 | | |

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

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

$$(3065.0000 \times V_1) + (3590.0000 \times 0.0000) = (3065.0000 \times 30.1700) + (3590.0000 \times 33.6300)$$

$$(3065.0000 \times V_1) + 0.0000 = 92471.0500 + 120731.7000$$

$$(3065.0000 \times V_1) + 0.0000 = 213202.7500$$

$$(3065.0000 \times V_1) = 213202.7500 - 0.0000$$

$$(3065.0000 \times V_1) = 213202.7500$$

*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.***

$$V_1 = \frac{213202.7500}{3065.0000} \quad V_1 = 69.5604$$

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3065.0000
The After Impact Speed of Veh 1 is: 30.1700
The Wt of Veh 2 (lbs) is: 3590.0000
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: 69.5604
The Vel of Veh 1 in fps is: 102.0219

Calculation Notes:

****REVISED WEIGHTS*****

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 | 69.5604 | 8.0000 | 60.1901 | 16.0000 | 50.8198 |
| 1.0000 | 68.3891 | 9.0000 | 59.0188 | 17.0000 | 49.6485 |
| 2.0000 | 67.2178 | 10.0000 | 57.8475 | 18.0000 | 48.4772 |
| 3.0000 | 66.0465 | 11.0000 | 56.6762 | 19.0000 | 47.3059 |
| 4.0000 | 64.8752 | 12.0000 | 55.5049 | 20.0000 | 46.1346 |
| 5.0000 | 63.7039 | 13.0000 | 54.3336 | | |
| 6.0000 | 62.5327 | 14.0000 | 53.1623 | | |
| 7.0000 | 61.3614 | 15.0000 | 51.9911 | | |

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

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

$$(3065.0000 \times V_1) + (3590.0000 \times 0.0000) = (3065.0000 \times 30.9600) + (3590.0000 \times 31.9000)$$

$$(3065.0000 \times V_1) + 0.0000 = 94892.4000 + 114521.0000$$

$$(3065.0000 \times V_1) + 0.0000 = 209413.4000$$

$$(3065.0000 \times V_1) = 209413.4000 - 0.0000$$

$$(3065.0000 \times V_1) = 209413.4000$$

*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.***

$$V_1 = \frac{209413.4000}{3065.0000} \quad V_1 = 68.3241$$

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3065.0000
The After Impact Speed of Veh 1 is: 30.9600
The Wt of Veh 2 (lbs) is: 3590.0000
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: 68.3241
The Vel of Veh 1 in fps is: 100.2086

Calculation Notes:

****REVISED WEIGHTS*****

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 | 68.3241 | 8.0000 | 58.9538 | 16.0000 | 49.5834 |
| 1.0000 | 67.1528 | 9.0000 | 57.7825 | 17.0000 | 48.4122 |
| 2.0000 | 65.9815 | 10.0000 | 56.6112 | 18.0000 | 47.2409 |
| 3.0000 | 64.8102 | 11.0000 | 55.4399 | 19.0000 | 46.0696 |
| 4.0000 | 63.6389 | 12.0000 | 54.2686 | 20.0000 | 44.8983 |
| 5.0000 | 62.4676 | 13.0000 | 53.0973 | | |
| 6.0000 | 61.2963 | 14.0000 | 51.9260 | | |
| 7.0000 | 60.1250 | 15.0000 | 50.7547 | | |

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

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

$$(3065.0000 \times V_1) + (3590.0000 \times 0.0000) = (3065.0000 \times 27.9800) + (3590.0000 \times 31.9000)$$

$$(3065.0000 \times V_1) + 0.0000 = 85758.7000 + 114521.0000$$

$$(3065.0000 \times V_1) + 0.0000 = 200279.7000$$

$$(3065.0000 \times V_1) = 200279.7000 - 0.0000$$

$$(3065.0000 \times V_1) = 200279.7000$$

*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.***

$$V_1 = \frac{200279.7000}{3065.0000} \quad V_1 = 65.3441$$

Formula Inputs:

The Wt of Veh 1 (lbs) is: 3065.0000
The After Impact Speed of Veh 1 is: 27.9800
The Wt of Veh 2 (lbs) is: 3590.0000
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: 65.3441
The Vel of Veh 1 in fps is: 95.8380

Calculation Notes:

****REVISED WEIGHTS*****
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 | 65.3441 | 8.0000 | 55.9738 | 16.0000 | 46.6034 |
| 1.0000 | 64.1728 | 9.0000 | 54.8025 | 17.0000 | 45.4322 |
| 2.0000 | 63.0015 | 10.0000 | 53.6312 | 18.0000 | 44.2609 |
| 3.0000 | 61.8302 | 11.0000 | 52.4599 | 19.0000 | 43.0896 |
| 4.0000 | 60.6589 | 12.0000 | 51.2886 | 20.0000 | 41.9183 |
| 5.0000 | 59.4876 | 13.0000 | 50.1173 | | |
| 6.0000 | 58.3163 | 14.0000 | 48.9460 | | |
| 7.0000 | 57.1450 | 15.0000 | 47.7747 | | |

From: [Martha Cox](#)
To: [Kathryn Irby](#); [ASCC Pleadings](#)
Cc: [Brent Gasper](#); [Daiquiri Carter](#); [Jim Jackson](#)
Subject: Haley Hudson, etc. v. Arkansas DHS; Arkansas State Claims Commission No. 230641
Date: Wednesday, November 15, 2023 4:28:25 PM
Attachments: [Notice of Deposition for Bobby D. Wilson \(revised\).pdf](#)

Please find attached a Notice of Deposition for Bobby D. Wilson (revised) for filing 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, AS SPECIAL ADMINISTRATRIX
OF THE ESTATE OF JACQUELINE LYNN
ASHCRAFT, DECEASED, AND AS PERMANENT
LEGAL GUARDIAN OF [REDACTED], a
minor

CLAIMANT

VS.

CC NO. 230641

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

RESPONDENT

NOTICE OF DEPOSITION

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

NOTICE is hereby given that the claimant will take the deposition of Bobby D. Wilson, remotely via Zoom, on Monday, November 27, 2023, beginning at 2:00 p.m. CST, before a Certified Court Reporter, duly authorized to administer oath, and recorded by stenographic means. The deposition will be coordinated and stenographically recorded by a Certified Court Reporter with Arkansas Realtime Reporting, with a business address of 1130 E. Millsap Road, Fayetteville, AR 72703. The Certified Court Reporter may be remote or in the physical presence of the deponent. The deposition will continue until completed.

You are invited to attend and cross examine.

DATED this 15th day of November, 2023

Respectfully submitted,

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

CERTIFICATE OF SERVICE

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

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

1st Jim R. Jackson
 Jim R. Jackson



November 13, 2023

VIA EMAIL & US MAIL

Arkansas
State Claims Commission

NOV 15 2023

RECEIVED

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

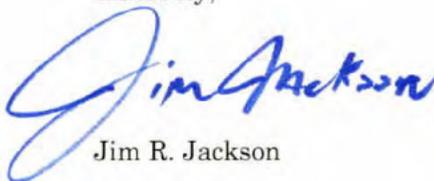
Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Ashcraft, deceased and Permanent Guardian of [REDACTED] Minor Child v. Arkansas Department of Human Services*
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

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

Arkansas State Claims Commission

NOV 15 2023

RECEIVED

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] 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."

While you were driving, what happened to cause the accident?
I remember seeing a car up ahead but no brake lights or
signal lights. That's all I remember until
I came to.
Midway

Arkansas
State Claims Commission
NOV 15 2023
RECEIVED

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] 5. [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]

[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 | | [REDACTED] | <input checked="" type="checkbox"/> 000 None | | <input checked="" type="checkbox"/> 000 None |
| 100 Valid license | | | <input type="checkbox"/> 100 With licensed adult | | <input type="checkbox"/> 100 With licensed |
| 200 Suspended | | License State | | | |
| 201 Revoked | | AR | License Class | | |

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] AR 72255. 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."*

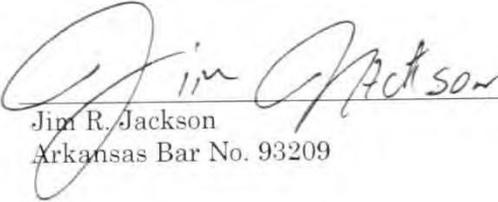
This must be the most preposterous allegation ever raised by counsel, who originally provided the claimant with the name, address, and cell phone number of Jennifer Wilkerson, along with the DHS' own investigative "Fact Finding" of Jennifer Wilkerson's conduct the week after the wreck. The result of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

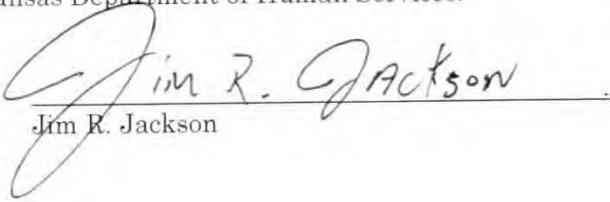
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Jim@JimJacksonatty.com

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

ARKANSAS STATE CLAIMS COMMISSION

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

CLAIMANT

v.

CC NO. 230641

ARKANSAS DEPARTMENT OF
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:



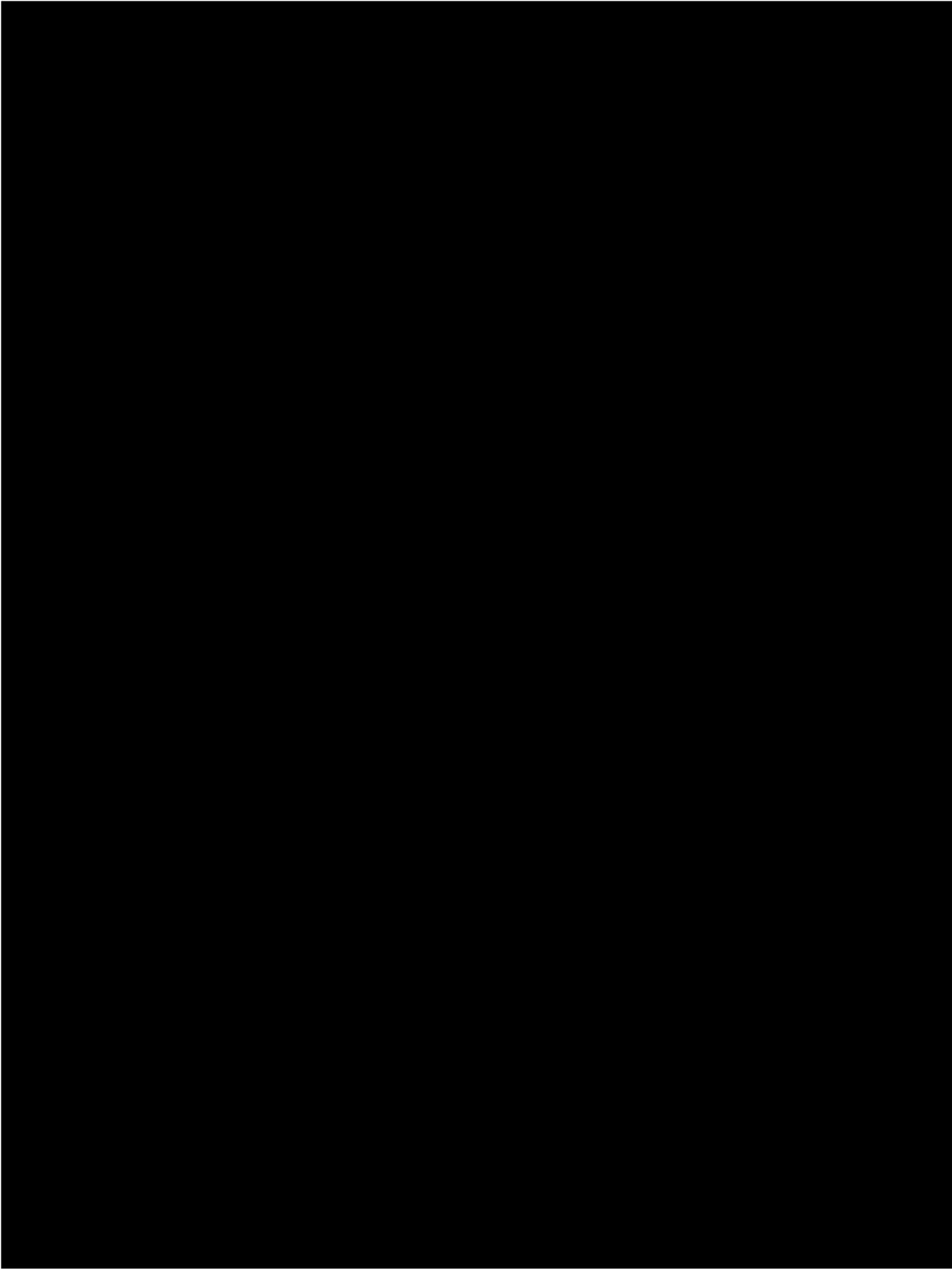
1. Jennifer Wilkerson, [REDACTED] [REDACTED]
[REDACTED]
2. Kristen Shelton, Office phone 479 647-7171, Office address is 900 Rogers Ave.,
Clarksville, AR 72830.
3. Brandy Ezell, Office phone 479 963-2783, Office address, #17 W. McKeen St., Paris,
AR 72855
4. Pam Feemster, Office phone 479 963-2783, Office 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]

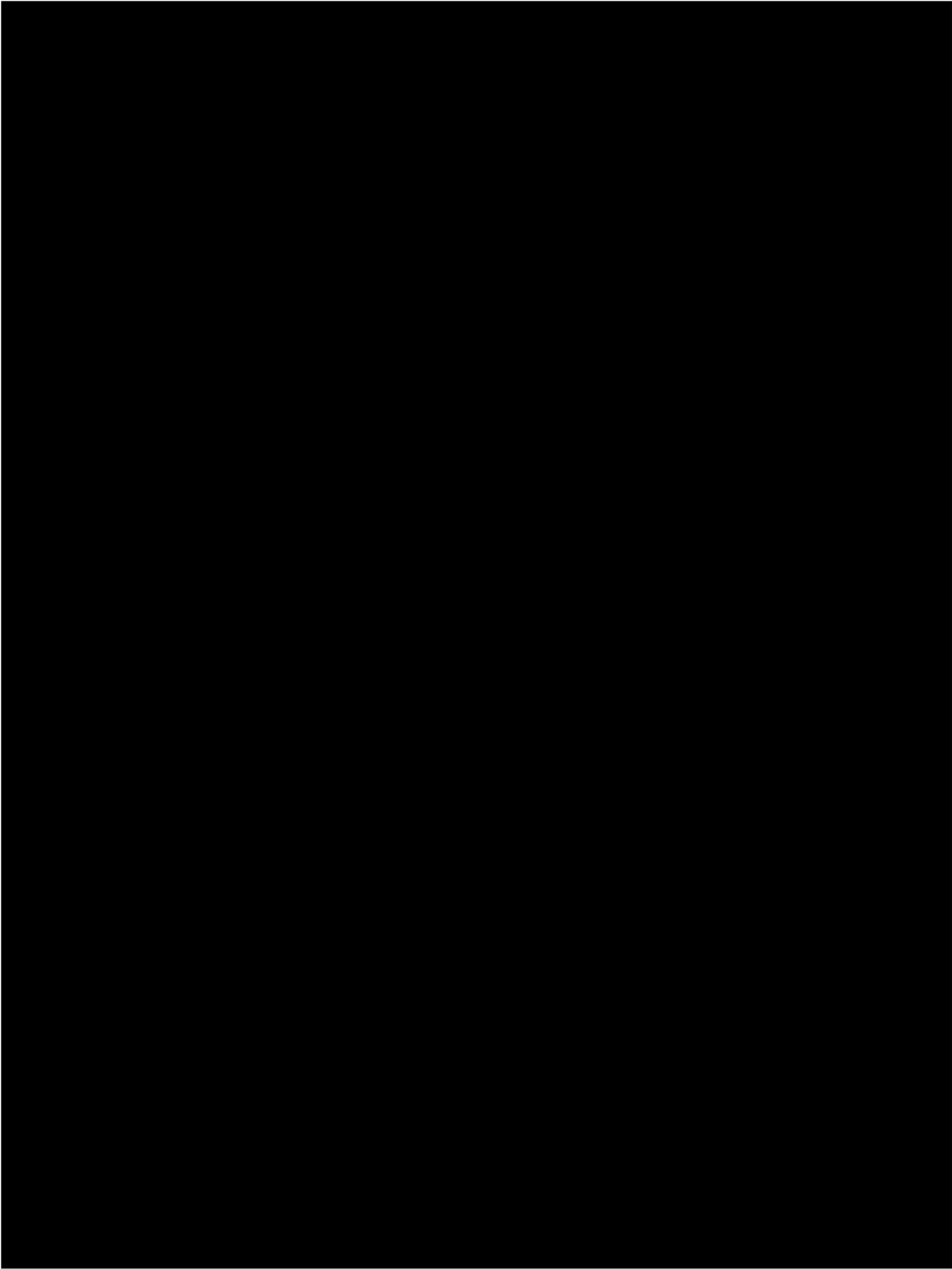
INTERROGATORY NO. 2: Please state the names and complete present or last known addresses and telephone numbers of all persons who will or may be called as witnesses on your behalf at the trial of this lawsuit.

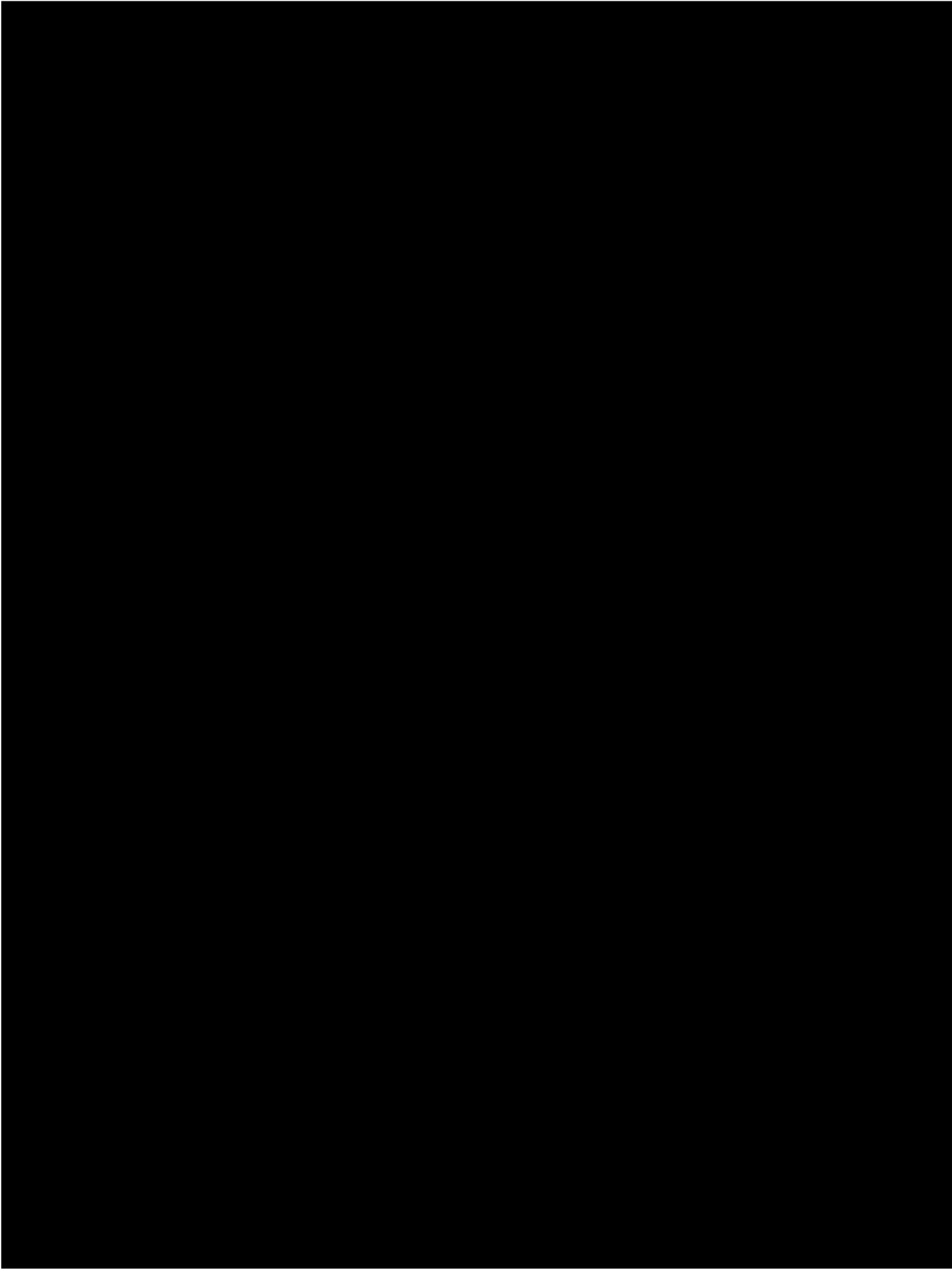
ANSWER: This claim is still being investigated and this information is still being ascertained. Further, Respondent has not ascertained which, if any, persons will be called at the trial of this matter. Respondent will update and supplement this response when this information becomes available.

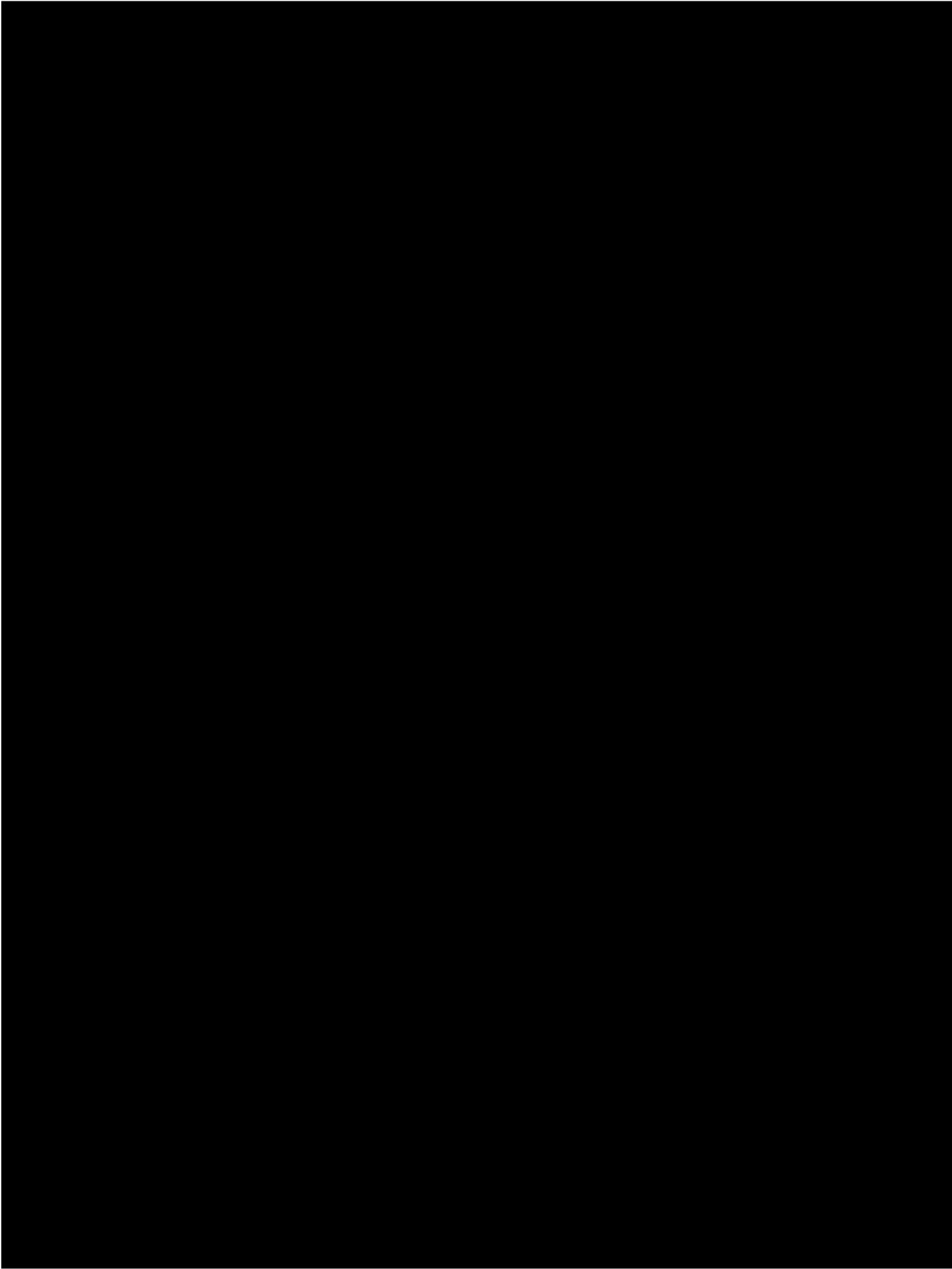
INTERROGATORY NO. 3: Please state briefly the facts or the nature of the subject matter known to each of the persons listed in response to Interrogatory Nos. 1 and 2 above.

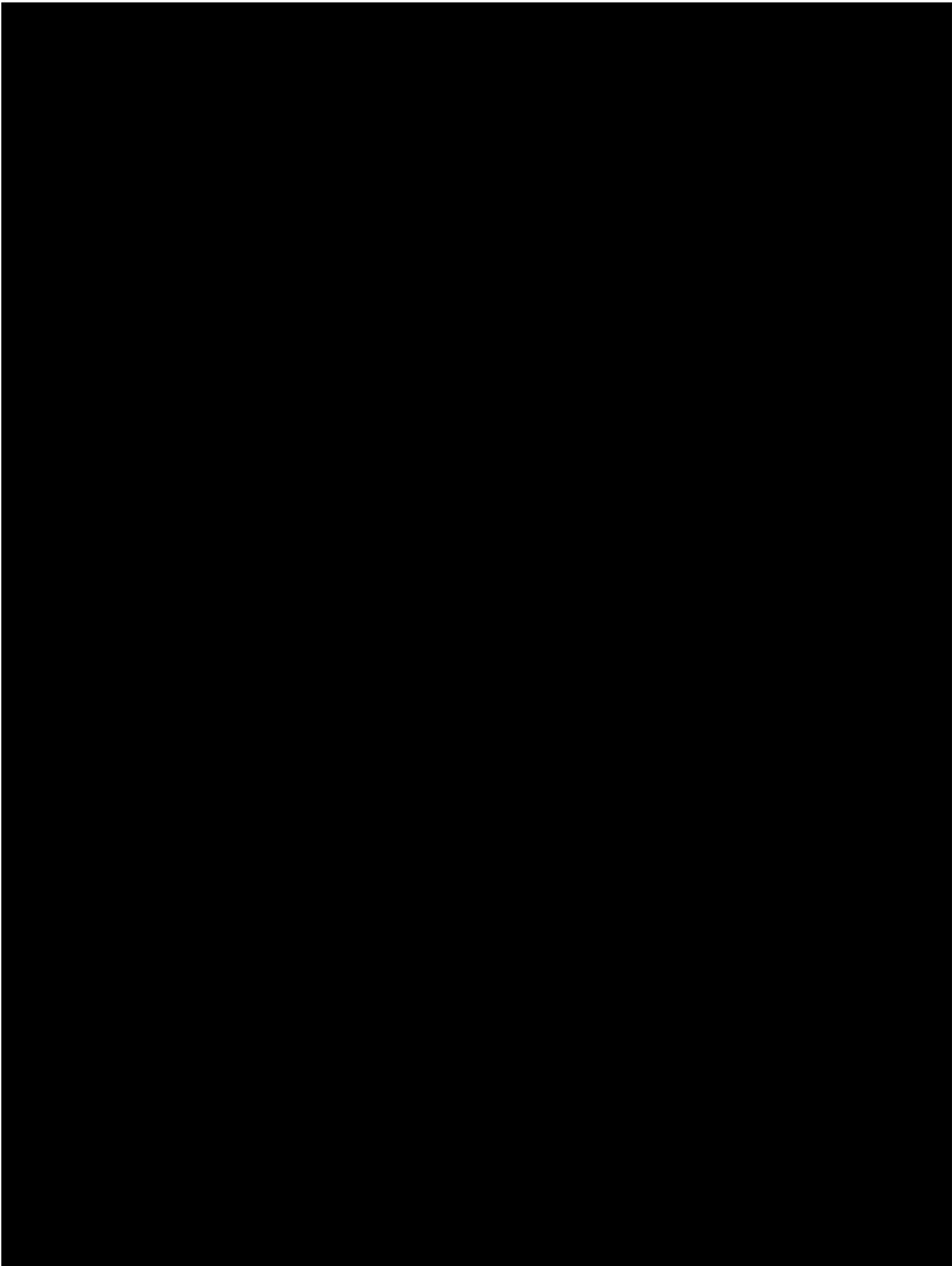
ANSWER: Please see responses to Interrogatories Nos 1 and 2. Respondent would at this point state that Jennifer Wilkerson stated she was driving the DHS vehicle and that Bobby Dale Wilson was the driver of the truck that was also involved in the accident. Further, James Ray was at the time an Arkansas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

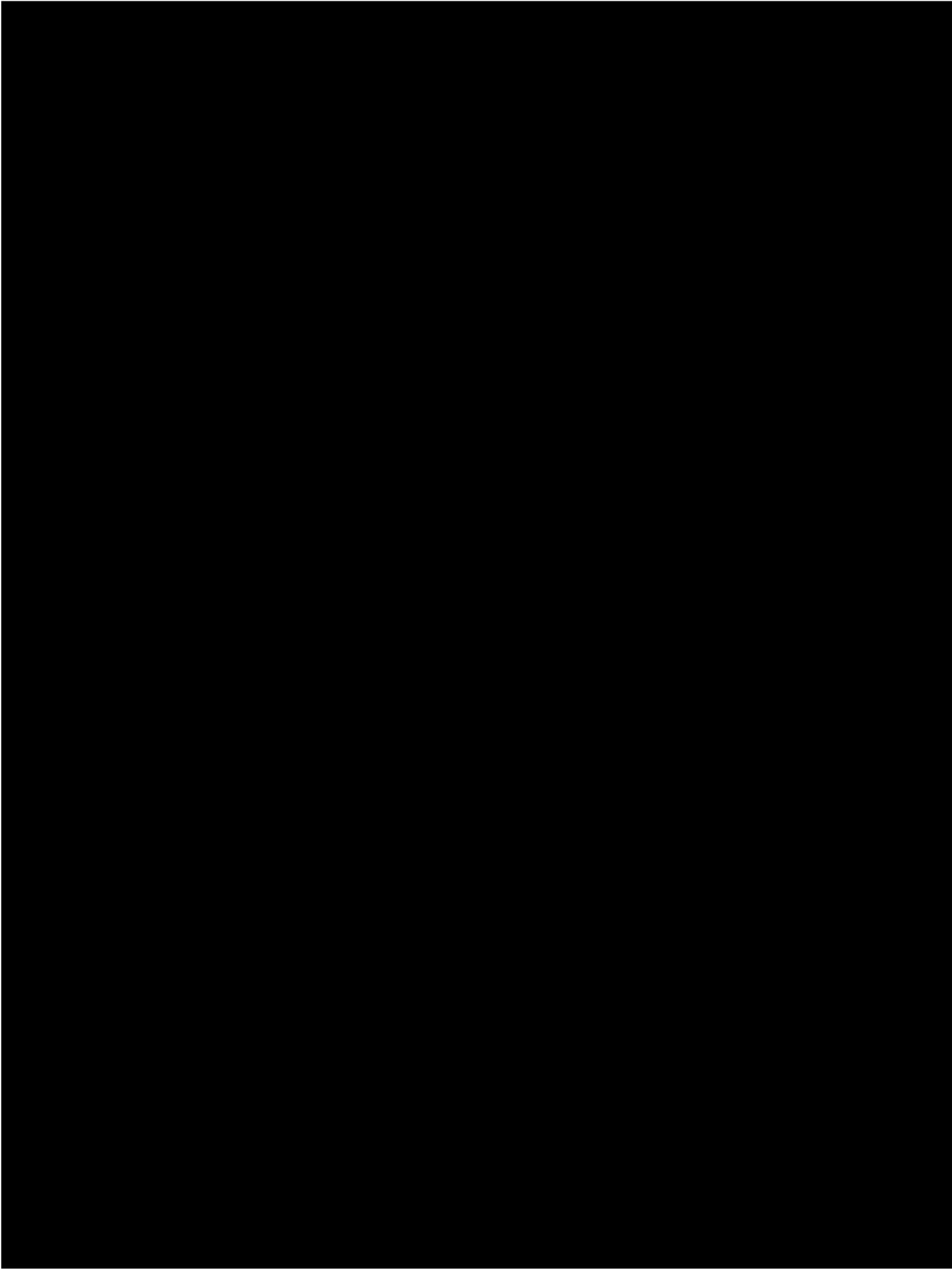


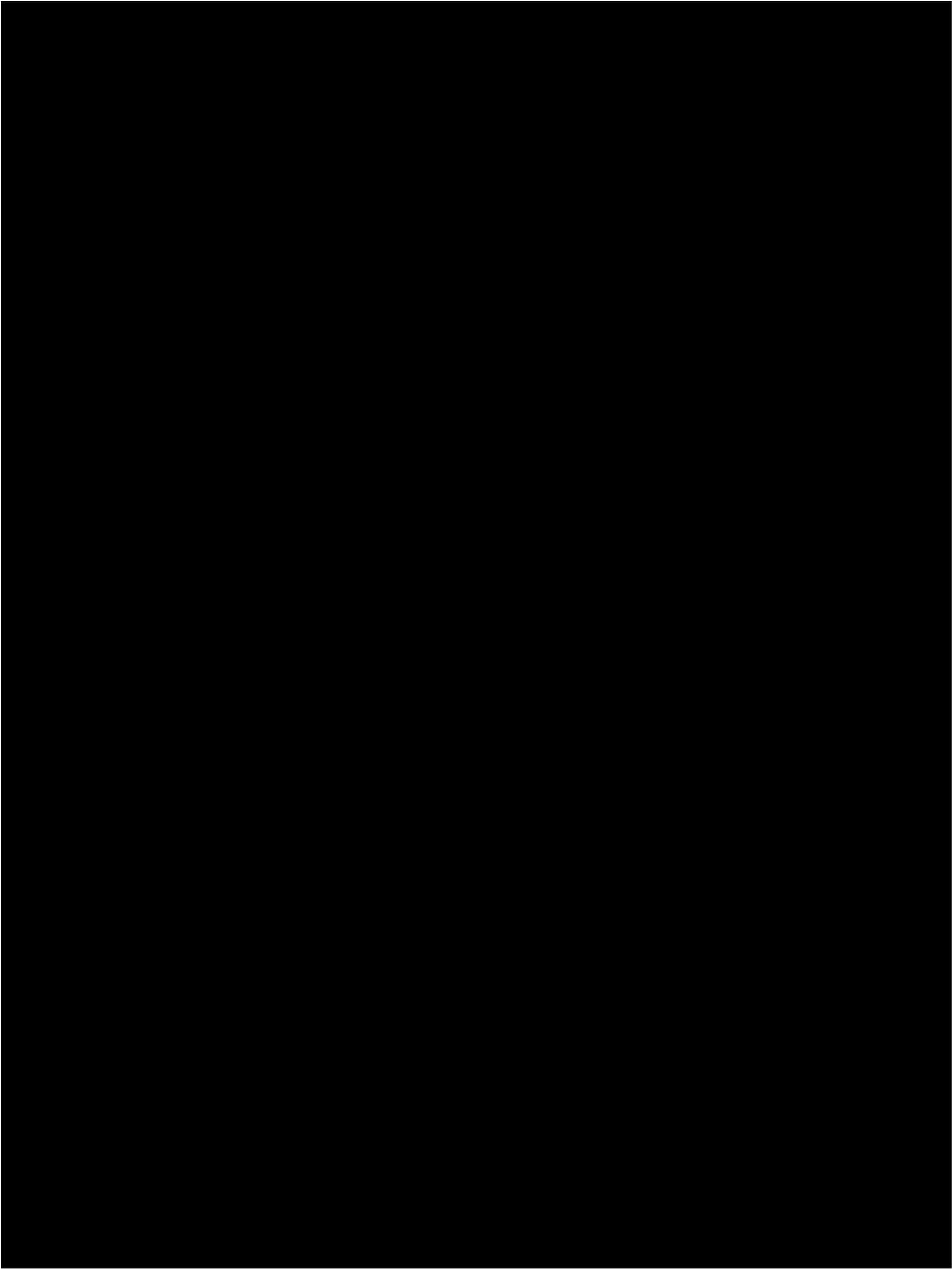


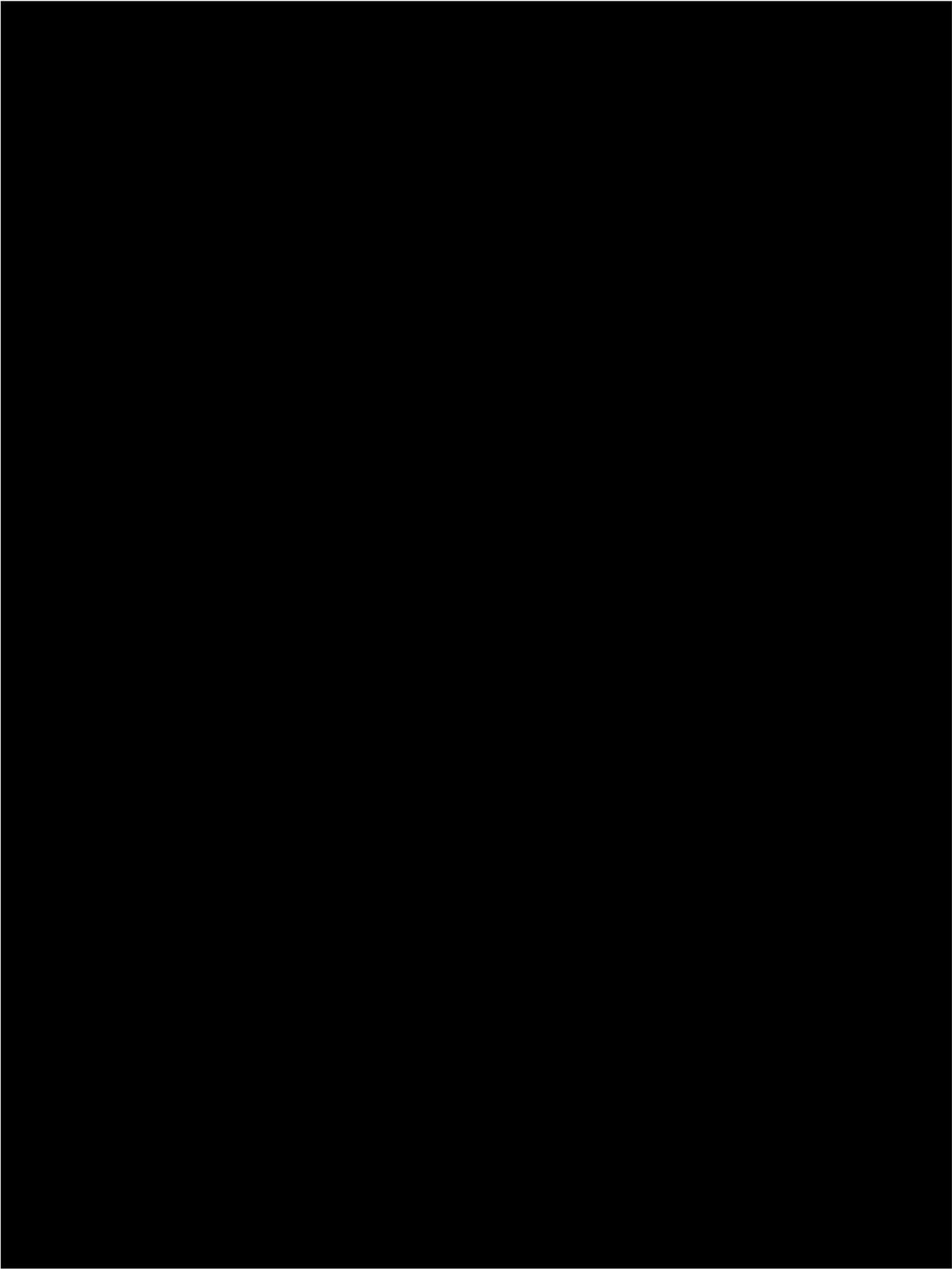


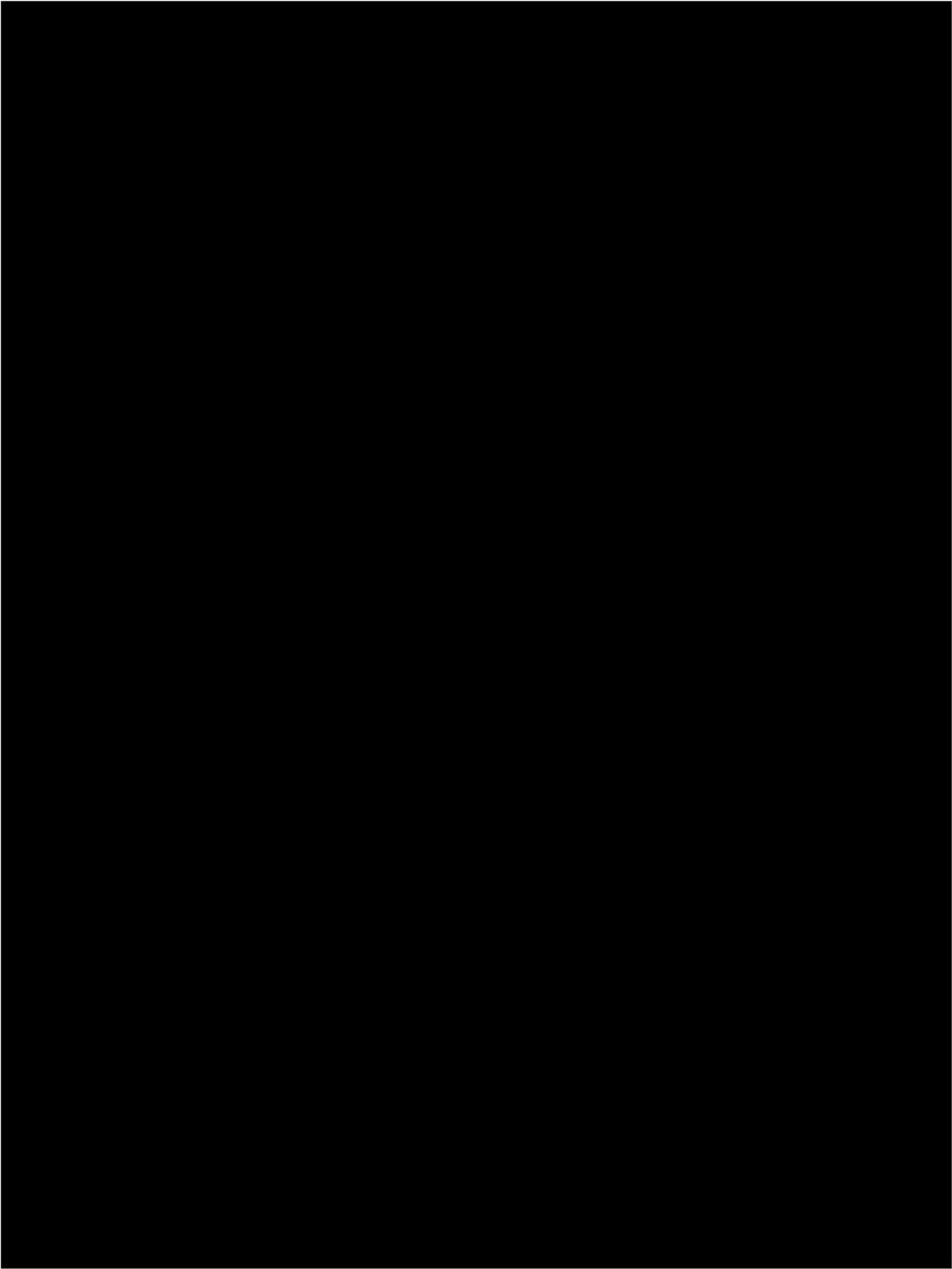


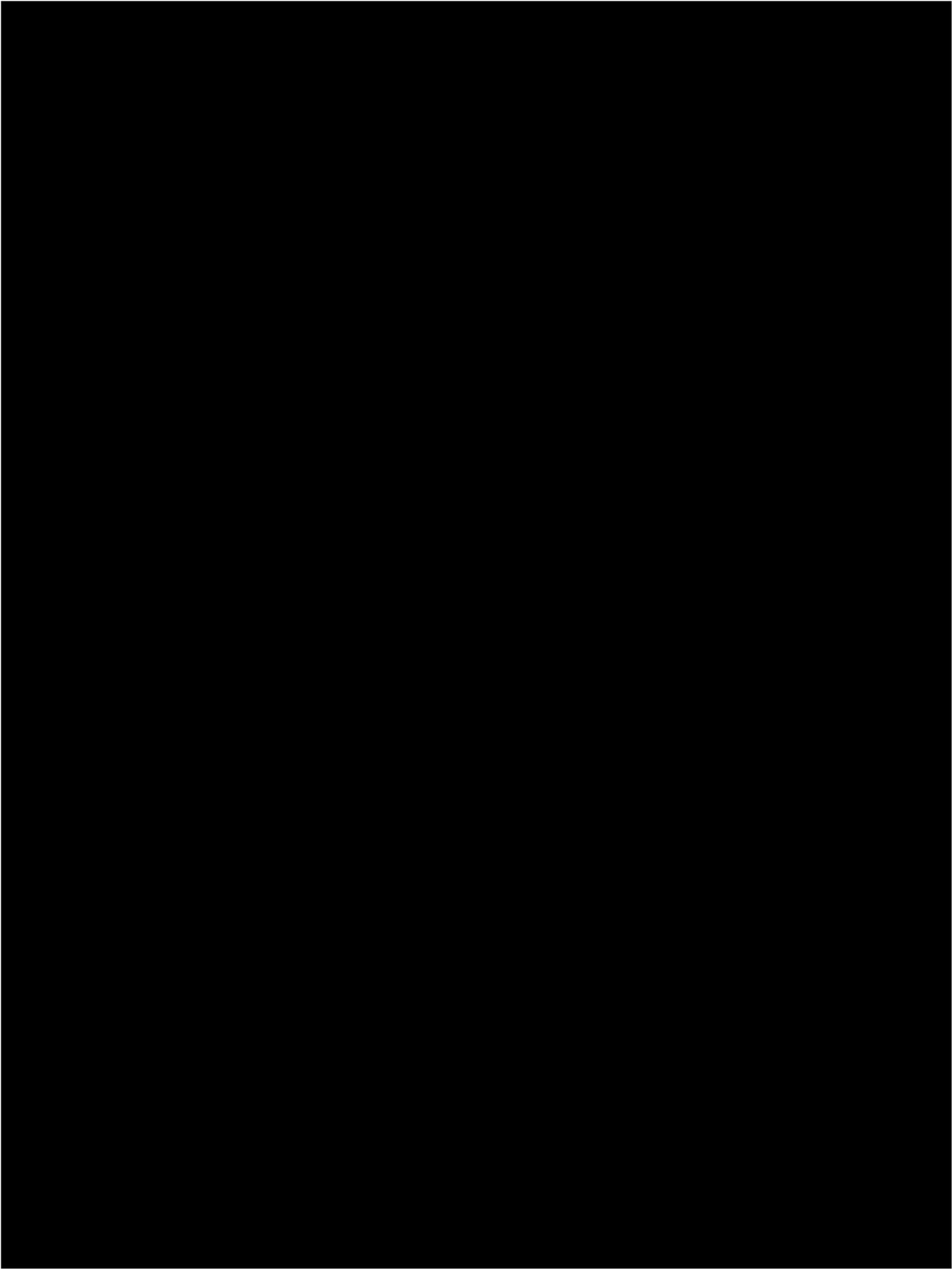












PROOF OF SERVICE

Jennifer Wilkerson

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

Deputy Charlie M. Edmonson

SIGNATURE OF SERVER

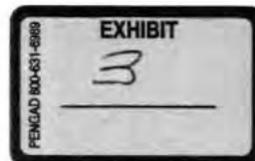


NOTICE TO PERSONS SUBJECT TO SUBPOENAS

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).



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



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: 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: [REDACTED]
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]@[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



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
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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
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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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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

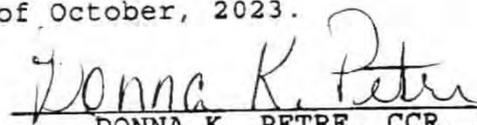
C E R T I F I C A T E

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---

PETRE'S STENOGRAPH SERVICE
 (501) 376-1411

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 Ar [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

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

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

---o---

PETRE'S STENOGRAPH SERVICE
(501) 376-1411

From: [Brent Gasper](#)
To: [Kathryn Irby](#); [Jim Jackson](#)
Cc: [Daiquiri Carter](#)
Subject: RE: Response to Motion for Partial Summary Judgment due date
Date: Friday, December 1, 2023 1:21:31 PM

Thank you, Kathryn.

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Friday, December 1, 2023 1:21 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Response to Motion for Partial Summary Judgment due date

Yes.

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Friday, December 1, 2023 1:10 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Response to Motion for Partial Summary Judgment due date

Thank you Kathryn. I assume this means that the Monday response deadline is lifted at this point?

Thanks,

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Friday, December 1, 2023 1:08 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Response to Motion for Partial Summary Judgment due date

Brent and Jim, given that the parties are in agreement with the extension until 1/29/2024, I will reschedule the January motions hearing and get a revised scheduling order from the Commission.

Thanks,
Kathryn

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Friday, December 1, 2023 1:05 PM

To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: Re: Response to Motion for Partial Summary Judgment due date

Kathryn

This e-mail is just to confirm that I have no opposition.

Thank you

Jim

Jim Jackson

Attorney at Law

700 West Broadway St: Suite 2

North Little Rock, AR 72114

(501) 823-3610

On Dec 1, 2023, at 1:04 PM, Brent Gasper <Brent.Gasper@dhs.arkansas.gov> wrote:

Kathryn, I hope you had a great Thanksgiving holiday! As you know, our response to the Claimants' partial summary judgment motion is due by scheduling order this coming Monday December 4. However, since the hearing at which this date was set – despite diligent efforts to conduct and fully complete liability discovery within that time frame – liability discovery is still not fully complete. Respondent received deposition transcripts of both an eyewitness and an expert witness only yesterday. Further, another eyewitness was deposed only last Monday and the transcript will not be available before next Monday's due date.

I have explained these things to Jim and he has stated that he does not oppose an extension for additional time to respond to the SJ motion. As such, I am respectfully requesting an extension or enlargement of time until January 29, 2004, in order to respond to the motion. This time is needed to ensure that all transcripts are not only provided to each party in a timely manner but also to permit all parties (and their experts, if need be) time to review the contents of the testimony. Further, with the holidays coming up, travel and vacations make a December deadline unreasonable (I will be out of the office from December 15-29, for instance).

I will continue to work on my response and other pleadings as necessary until I am informed whether this request will be granted or not. If at all possible I would consider it a blessing if I heard back before the end of the day so I do not spend all weekend working on the response.

Thank you for your time and consideration,

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper

Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

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

CLAIMANT**V.****CLAIM NO. 230641**

**ARKANSAS DEPARTMENT OF HUMAN
SERVICES**

RESPONDENT**AMENDED BRIEFING SCHEDULE**

Now before the Arkansas State Claims Commission (the “Commission”) is an unopposed request by the Arkansas Department of Human Services (the “Respondent”) to extend its time 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”) until January 29, 2024. Given that the request was unopposed by Claimant, the Commission amends the briefing schedule in its October 6, 2023, order as follows:

| | |
|--------------------|--|
| January 29, 2024: | Respondent’s deadline to respond to Claimant’s motion for partial summary judgment |
| January 29, 2024: | deadline for the parties to complete discovery as to lay witnesses related to the issue of liability and as to Respondent’s accident reconstruction expert witness |
| February 12, 2024: | Claimant’s deadline to file a reply brief |

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Solomon Graves



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: December 7, 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: [Brent Gasper](#); [Jim Jackson](#)
Cc: [Daiquiri Carter](#)
Subject: AMENDED BRIEFING SCHEDULE: Hudson v. DHS, Claim No. 230641
Date: Tuesday, December 12, 2023 2:41:00 PM
Attachments: [66--Hudson -- 230641 -- amended briefing schedule.pdf](#)

Jim and Brent, please see attached amended briefing schedule, which was entered by the Commission on 12/7/2023.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Friday, December 1, 2023 1:21 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Response to Motion for Partial Summary Judgment due date

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brent

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Sent: Friday, December 1, 2023 1:21 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Response to Motion for Partial Summary Judgment due date

Yes.

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brent

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Sent: Friday, December 1, 2023 1:08 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>

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

Subject: RE: Response to Motion for Partial Summary Judgment due date

Brent and Jim, given that the parties are in agreement with the extension until 1/29/2024, I will reschedule the January motions hearing and get a revised scheduling order from the Commission.

Thanks,
Kathryn

From: Jim Jackson <jim@jimjacksonatty.com>

Sent: Friday, December 1, 2023 1:05 PM

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

Cc: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>

Subject: Re: Response to Motion for Partial Summary Judgment due date

Kathryn

This e-mail is just to confirm that I have no opposition.

Thank you

Jim

Jim Jackson

Attorney at Law

700 West Broadway St: Suite 2

North Little Rock, AR 72114

(501) 823-3610

On Dec 1, 2023, at 1:04 PM, Brent Gasper <Brent.Gasper@dhs.arkansas.gov> wrote:

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I have explained these things to Jim and he has stated that he does not oppose an extension for additional time to respond to the SJ motion. As such, I am respectfully requesting an extension or enlargement of time until January 29, 2004, in order to respond to the motion. This time is needed to ensure that all transcripts are not only provided to each party in a timely manner but also to permit all parties (and their experts, if need be) time to review the contents of the testimony. Further, with the

holidays coming up, travel and vacations make a December deadline unreasonable (I will be out of the office from December 15-29, for instance).

I will continue to work on my response and other pleadings as necessary until I am informed whether this request will be granted or not. If at all possible I would consider it a blessing if I heard back before the end of the day so I do not spend all weekend working on the response.

Thank you for your time and consideration,

Brent

Cc: Jim Jackson, Daiquiri

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: [Kathryn Irby](#)
To: [Jim Jackson](#); [Martha Cox](#); [Brent Gasper](#); [Daiquiri Carter](#)
Subject: MOTION HEARING RESCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Tuesday, December 12, 2023 2:48:00 PM
Attachments: [Hudson v. DHS, 230641 -- motions hearing resched to 5-2024.pdf](#)

Jim and Brent, please see attached hearing 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

December 12, 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,

In light of the extended briefing schedule for Claimant's motion for partial summary judgment, Commission has rescheduled the motions hearing previously set for January 2024 to **Thursday, May 9, 2024**, beginning at 9:00 a.m. The new Zoom invitation is enclosed.

As this is a motion hearing, no prehearing materials (other than the briefing of the motions by the parties) 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: Hearings

Time: May 9, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88507418292?pwd=NV4EPJHY1FqPbBcrNpoFYBCGZmuagl.1>

Meeting ID: 885 0741 8292

Passcode: YUA39p

One tap mobile

+13017158592,,88507418292#,,,,*017636# US (Washington DC)

+13052241968,,88507418292#,,,,*017636# US

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US

Meeting ID: 885 0741 8292

Passcode: 017636

Find your local number: <https://us06web.zoom.us/j/kAvd3Nzan>

From: [Daiquiri Carter](#)
To: [ASCC Pleadings](#); jim@jimjacksonatty.com; [Vincent France](#)
Cc: [Martha Cox](#); [Daiquiri Carter](#)
Subject: CC # 230641
Date: Monday, December 18, 2023 2:05:27 PM
Attachments: [Hudson EOA VPF.pdf](#)
[image001.png](#)
[image002.png](#)
[Hudson Mt to Substitute.pdf](#)

Please find attached an Entry of Appearance and a Motion to Substitute Counsel in the above mentioned case. I have copied Claimant's counsel on this email.

Thank you,

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



□ □ □

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IN THE ARKANSAS STATE CLAIMS COMMISSION

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

MINOR CHILDREN

CLAIMANT

vs.

CC No. 230641

ARKANSAS DEPARTMENT OF
 HUMAN SERVICES

RESPONDENT

ENTRY OF APPEARANCE

COMES NOW, Vincent P. France Deputy Chief Counsel for the Arkansas Department of Human Services, respectfully submits his entry of appearance on behalf of Respondent, Arkansas Department of Human Services, and requests that all future service and correspondence be sent accordingly.

I hereby certify that I am admitted to practice in the State of Arkansas and respectfully place the Clerk of the Court and all parties of record on notice of my appearance.

Respectfully submitted,

By: /s/ Vincent P. France
 Vincent P. France, Ark. Bar No. 2010063
 Deputy Chief Counsel
 Arkansas DHS
 P.O. Box 1437, Slot S260
 Little Rock, AR 72203
 Phone: (501) 534-4127
 Email: Vincent.P.France@DHS.Arkansas.gov
Attorney for Respondent

CERTIFICATE OF SERVICE

I, Vincent P. France, hereby certify that on December 18, 2023, I electronically filed the foregoing with the Arkansas State Claims Commission by emailing it to ascpleadings@arkansas.gov and by sending a copy to Claimant's attorney via email as indicated below.

Jim Jackson
Jim@JimJacksonatty.com

/s/ Vincent P. France

Vincent P. France

IN THE ARKANSAS STATE CLAIMS COMMISSION

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

[REDACTED] MINOR CHILDREN

CLAIMANT

vs.

CC No. 230641

ARKANSAS DEPARTMENT OF
 HUMAN SERVICES

RESPONDENT

MOTION TO SUBSTITUTE COUNSEL

COMES NOW, Respondent, Arkansas Department of Human Services, by and through its attorney, Vincent P. France Deputy Chief Counsel for the Arkansas Department of Human Services, and for its Motion to Substitute Counsel, states the following:

1. Brent Gasper who was representing Respondent in this matter is no longer employed by the Arkansas Department of Human Services.
2. This matter has been reassigned to Deputy Chief Counsel Vincent P. France, who has filed an Entry of Appearance on behalf of Respondent and should be substituted as counsel of record.
3. Respondent respectfully requests that the Arkansas State Claims Commission and Counsel for Claimant direct all future service and correspondence to Vincent P. France and remove Brent Gasper as counsel of record.

WHEREFORE, Respondent respectfully moves that Brent Gasper be removed as counsel of record and to reflect that Vincent P. France as counsel of record for Respondent.

Respectfully submitted,

By: /s/ Vincent P. France
 Vincent P. France, Ark. Bar No. 2010063

Deputy Chief Counsel
Arkansas DHS
P.O. Box 1437, Slot S260
Little Rock, AR 72203
Phone: (501) 534-4127
Email: Vincent.P.France@DHS.Arkansas.gov
Attorney for Respondent

CERTIFICATE OF SERVICE

I, Vincent P. France, hereby certify that on December 18, 2023, I electronically filed the foregoing with the Arkansas State Claims Commission by emailing it to ascpleadings@arkansas.gov and by sending a copy to Claimant's attorney Jim Jackson via email as indicated below.

Jim Jackson
Jim@JimJacksonatty.com

/s/ Vincent P. France

Vincent P. France

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Daiquiri Carter](#)
Cc: [ASCC Pleadings](#); [Kathryn Irby](#)
Subject: Haley Hudson v. DHS, Claim No. 230641
Date: Thursday, January 25, 2024 1:52:00 PM
Attachments: [RE Haley Hudson Special Adm"x of the Estate of Jacqueline Lynn Ashcraft dec"d Permanent Guardian of \[REDACTED\] \[REDACTED\] Minor Children v. AR Dept. of Human Services: Arkansas State Claims Commission No. 230641.msg](#)
[E650FC30DFB64B39B4F4358200C99D7A_20230520_CL second amended complaint with exhibit one-2.pdf](#)
[E650FC30DFB64B39B4F4358200C99D7A_20230520_CL 2nd exhibit to complaint-3.pdf](#)

Ms. Carter:

Per your request, please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

From: [Vincent France](#)
To: [ASCC Pleadings](#)
Cc: [Daiquiri Carter](#); jim@jimjacksonatty.com; [Kathryn Irby](#)
Subject: Haley Hudson, et al v. Arkansas DHS Claim No. 230641
Date: Monday, January 29, 2024 11:57:31 AM
Attachments: [HUDSON Amended Answer to 2nd Amended Complaint.pdf](#)
[HUDSON Cross MSJ with Exhibits.pdf](#)
[HUDSON BIS Cross MSJ.pdf](#)
[HUDSON SUMF.pdf](#)
[HUDSON Response to Claimants Mt for Partial MSJ.pdf](#)
[image001.png](#)
[image002.png](#)

Please find the following documents attached for filing on behalf of Respondent DHS in the above-referenced claim.

- DHS Amended and Substituted Answer to Claimants' Second Amended Complaint,
- DHS's Cross Motion for Summary Judgment with exhibits;
- DHS's Brief in Support of Cross Motion for Summary Judgment;
- DHS's Statement of Undisputed Material Facts; and,
- DHS's Response to Claimants' Motion for Partial Summary Judgment.

Please confirm when these documents have been received and appropriately filed.

Sincerely,

Vincent P. France

Deputy Chief Counsel for Litigation

Office of Chief Counsel

PO Box 1437, Slot S260

Little Rock, AR 72203-1437

Office Phone: 501-534-4127

Vincent.P.France@dhs.arkansas.gov



□ □ □

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

[REDACTED] MINOR CHILDREN

CLAIMANTS

vs.

CC No. 230641

ARKANSAS DEPARTMENT OF
 HUMAN SERVICES

RESPONDENT

**RESPONDENT'S AMENDED AND SUBSTITUTED ANSWER TO
 CLAIMANTS' SECOND AMENDED COMPLAINT**

COMES NOW, Respondent, Arkansas Department of Human Services, by and through its attorney, Vincent P. France Deputy Chief Counsel for the Arkansas Department of Human Services, and for its Amended and Substituted Answer to Claimants' Second Amended Complaint, states the following:

Respondent files this Amended and Substituted Answer to Claimants' Second Amended Complaint pursuant to Ark. R. Civ. P. 15. "[A] party may amend his pleadings at any time without leave of the court." Ark. R. Civ. P. 15(a). Moreover, "[t]his rule [Rule 15] is liberal in its allowance of amendments to conform pleadings to proof and even contemplates an amendment after judgment." *Middleton v. Middleton*, 2018 Ark. App. 237, at 9, 548 S.W.3d 199. This Amended Answer to Claimants' Second Amended Complaint will not cause any prejudice nor any delay. *See* Ark. R. Civ. P. 15(b) because Respondent is filing contemporaneously a response to Claimants' motion for partial summary judgment, a cross-motion for summary judgment, a brief in support, and a statement of undisputed material facts. As these additional filings will show, this amended answer is being filed in order to more properly conform to the proof. *See Middleton*, 2018 Ark. App. 237, at 9.

The “Background” section of the Second Amended Complaint does not comply with Ark. R. Civ. P. 8(e), as it does not direct concise averments. Thus, to the extent a response is required, any statements and allegations contained therein are denied.

1. Respondent admits Paragraph 1 of the Second Amended Complaint that the Claims Commission has jurisdiction to hear claims against Respondent.

2. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 2 of the Second Amended Complaint; therefore, the allegations in Paragraph 2 are denied.

3. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 3 of the Second Amended Complaint; therefore, the allegations in Paragraph 3 are denied.

4. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 4 of the Second Amended Complaint; therefore, the allegations in Paragraph 4 are denied.

5. Respondent admits Paragraph 5 of the Second Amended Complaint.

6. Respondent only admits that Jennifer Wilkerson was an employee of DHS as alleged in Paragraph 6 of the Second Amended Complaint; however, Respondent vehemently denies the remainder of Paragraph 6 that she was engaged in the course and scope of her employment at all times relevant to this cause of action.

7. Respondent admits Paragraph 7 only to the extent that it correctly alleges the date, time, and location of the accident and the individuals involved in the accident; however, Respondent denies all other allegations contained therein.

8. Respondent admits Paragraph 8 of the Second Amended Complaint only to the extent that a vehicle owned by DHS was being driven by Ms. Wilkerson at the time of the accident.

9. Respondent admits Paragraph 9 of the Second Amended Complaint and adds that these facts and allegations contained therein show that Ms. Wilkerson was acting outside the scope of her employment with DHS at the time of the accident.

10. Respondent admits Paragraph 10 of the Second Amended Complaint only to the extent that Ms. Wilkerson caused the accident.

11. Respondent admits Paragraph 11 of the Second Amended Complaint.

12. Based upon the evidence that has been presented to this point, Respondent admits Paragraph 12 of the Second Amended Complaint.

13. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 13 of the Second Amended Complaint; therefore, the allegations in Paragraph 13 are denied.

14. Respondent admits Paragraph 14 of the Second Amended Complaint that the Death Certificate speaks for itself.

15. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 15 of the Second Amended Complaint; therefore, the allegations in Paragraph 15 are denied.

16. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 16 of the Second Amended Complaint; therefore, the allegations in Paragraph 16 are denied.

17. Respondent admits Paragraph 17 of the Second Amended Complaint and that the accident report speaks for itself.

18. Respondent admits Paragraph 18 of the Second Amended Complaint and that the accident report speaks for itself.

19. Respondent only admits the allegation in Paragraph 19 of the Second Amended Complaint that Ms. Wilkerson was employed by DHS; however, Respondent denies the remainder of Paragraph 19 that Ms. Wilkerson was engaged in the course and scope of her employment at all times relevant to this cause of action.

20. Respondent denies Paragraph 20 of the Second Amended Complaint.

21. Respondent admits Paragraph 21 (a) through (f) of the Second Amended Complaint; however, Respondent denies that it is legally liable for those actions.

22. Respondent admits Paragraph 22 of the Second Amended Complaint, but denies that it is vicariously liable.

23. Respondent admits the statements in Paragraph 23 of the Second Amended Complaint only to the extent that those statements are contained in the report, which speaks for itself.

24. Respondent admits the statements in Paragraph 24 of the Second Amended Complaint only to the extent that those statements are contained in the report, which speaks for itself.

25. Respondent denies Paragraph 25 of the Second Amended Complaint.

26. Respondent admits Paragraph 26 of the Second Amended Complaint, but denies that it is vicariously liable for the alleged actions contained therein.

27. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 27 of the Second Amended Complaint; therefore, the allegations in Paragraph 27 are denied.

28. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 28 of the Second Amended Complaint; therefore, the allegations in Paragraph 28 are denied.

29. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 29 of the Second Amended Complaint; therefore, the allegations in Paragraph 29 are denied.

30. Based upon the proof that has been provided, Respondent admits Paragraph 30 of the Second Amended Complaint.

31. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 31 of the Second Amended Complaint; therefore, the allegations in Paragraph 31 are denied.

32. Based upon the proof that has been provided, Respondent now admits Paragraph 32 of the Second Amended Complaint.

33. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 33 of the Second Amended Complaint; therefore, the allegations in Paragraph 33 are denied.

34. Based upon the proof that has been provided, Respondent now admits Paragraph 34 of the Second Amended Complaint.

35. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 35 of the Second Amended Complaint; therefore, the allegations in Paragraph 35 are denied.

36. Based upon the proof that has been provided, Respondent now admits Paragraph 36 of the Second Amended Complaint.

37. Respondent denies Paragraph 37 of the Second Amended Complaint.

38. Respondent denies Paragraph 38 and sub-paragraphs (a) through (g) of the Second Amended Complaint.

39. Respondent denies Paragraph 39 and sub-paragraphs (a) through (c) of the Second Amended Complaint.

40. Respondent denies Paragraph 38¹ and sub-paragraphs (a) through (c) of the Second Amended Complaint.

41. Respondent denies Paragraph 40 of the Second Amended Complaint.

42. Based upon the proof that has been provided, Respondent now admits Paragraph 41 of the Second Amended Complaint.

43. Respondent admits the statements and allegations contained in Paragraph 42 of the Second Amended Complaint, but it denies that the statements and allegations contained therein have any legal impact on this claim.

44. Respondent admits the statements and allegations contained in Paragraph 43 of the Second Amended Complaint, but it denies that the statements and allegations contained therein have any legal impact on this claim.

45. Respondent admits the statements and allegations contained in Paragraph 44 of the Second Amended Complaint, but it denies that the statements and allegations contained therein have any legal impact on this claim.

¹ On page 14 of Claimants' Second Amended Complaint, following Paragraph 39, the next paragraph is labeled as "38." On page 15, the next paragraph is labeled as "40".

46. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 45 of the Second Amended Complaint; therefore, the allegations in Paragraph 45 are denied.

47. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 46 of the Second Amended Complaint; therefore, the allegations in Paragraph 46 are denied.

48. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 47 of the Second Amended Complaint; therefore, the allegations in Paragraph 47 are denied.

49. Responding to the WHEREFORE clause of the Second Amended Complaint, Respondent denies that it is liable to Claimants and denies that Claimants are entitled to any of the relief they seek.

Affirmative Defenses

50. Respondent affirmatively pleads that the doctrine of *respondeat superior* does not apply in this claim and Respondent is not vicariously liable.

51. Respondent affirmatively pleads that Ms. Wilkerson—who had only been employed by DHS for *eleven (11) days* at the time of the accident—was acting outside the scope of her employment when the accident occurred.

52. Respondent affirmatively pleads that the proof shows that Ms. Wilkerson was driving at an excessive rate of speed to the point of constituting criminal conduct pursuant to Ark. Code Ann. §27-50-302, which was unauthorized and unexpected.

53. Respondent affirmatively pleads that the proof will show that Ms. Wilkerson had illegal taken Adderall a Schedule II controlled substance without a prescription when the accident

occurred; therefore, she was outside the scope of her employment with DHS when the accident occurred.

54. Respondent affirmatively pleads that it never ratified nor endorsed the actions of Ms. Wilkerson, and Respondent terminated Ms. Wilkerson from her employment with DHS because of the accident in question in this claim.

WHEREFORE, Respondent respectfully requests that the Arkansas State Claims Commission accepts this pleading as Respondent's Amended and Substituted Answer to Claimants' Second Amended Complaint and that Respondent is found to not be vicariously liable and that this claim against Respondent be dismissed with prejudice, and for any and all other just and proper relief.

Respectfully submitted,

By: /s/ Vincent P. France
Vincent P. France, Ark. Bar No. 2010063
Deputy Chief Counsel
Arkansas DHS
P.O. Box 1437, Slot S260
Little Rock, AR 72203
Phone: (501) 534-4127
Email: Vincent.P.France@DHS.Arkansas.gov
Attorney for Respondent

CERTIFICATE OF SERVICE

I, Vincent P. France, hereby certify that on January 29, 2024, I electronically filed the foregoing with the Arkansas State Claims Commission by emailing it to ascpleadings@arkansas.gov and by sending a copy to Claimant's attorney Jim Jackson via email as indicated below.

Jim Jackson
Jim@JimJacksonatty.com

/s/ Vincent P. France

Vincent P. France

IN THE ARKANSAS STATE CLAIMS COMMISSION

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

MINOR CHILDREN

CLAIMANTS

vs.

CC No. 230641

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

RESPONDENT'S CROSS MOTION FOR SUMMARY JUDGMENT

COMES NOW, Respondent, Arkansas Department of Human Services, by and through its attorney, Vincent P. France Deputy Chief Counsel for the Arkansas Department of Human Services, and for its Cross Motion for Summary Judgment states the following:

1. This claim arises from a motor vehicle accident that occurred on Friday, June 11, 2021, on State Highway 22 in Logan County, Arkansas near Paris, Arkansas.
2. On June 11, 2021, a DHS employee, Jennifer Wilkerson rear-ended a vehicle that was driven by Ms. Jacqueline Ashcraft and three passengers including two of Ms. Ashcraft's minor daughters, [REDACTED].
3. Ms. Wilkerson started working for DHS on June 1, 2021, and she had only been employed with DHS for eleven (11) days, when the accident occurred.
4. As a result of this accident, Ms. Wilkerson was fired from DHS.
5. According to Rule 56 of the Arkansas Rules of Civil Procedure, a party is entitled to summary judgment if the pleadings, together with any supporting documents, establish that there is no genuine issue of material fact in dispute.

6. Simply stated, DHS is entitled to summary judgment as a matter of law, because its employee was acting outside the scope of her employment when that accident occurred; therefore, DHS cannot be held vicariously liable for her actions.

7. The following exhibits are attached hereto and are incorporated by reference in Respondent's Brief and Statement of Undisputed Material Facts:

- Exhibit 1 Documents Produced in Discovery by Claimants;
- Exhibit 2 Excerpts and exhibits from Jennifer Wilkerson's deposition;
- Exhibit 3 Affidavit of Pamela Feemster;
- Exhibit 4 Excerpts and exhibits from Kristen Shelton's deposition;
- Exhibit 5 Excerpts and exhibits from Brandy Ezell's deposition;
- Exhibit 6 Excerpts and exhibits from James Ray's deposition; and
- Exhibit 7 Excerpts and selected exhibits from Stanley Cain's deposition.

8. Respondent is also filing contemporaneously herewith a Brief in Support of Respondent's Cross Motion for Summary Judgment and a Statement of Undisputed Material Facts.

WHEREFORE, Respondent respectfully requests that its Cross Motion for Summary Judgment be granted, and that Claimants' motion for partial summary judgment be denied and this claim be dismissed with prejudice, along with any other just and proper relief to which it is entitled.

Respectfully submitted,

By: /s/ Vincent P. France
Vincent P. France, Ark. Bar No. 2010063
Deputy Chief Counsel
Arkansas DHS
P.O. Box 1437, Slot S260
Little Rock, AR 72203
Phone: (501) 534-4127
Email: Vincent.P.France@DHS.Arkansas.gov
Attorney for Respondent

CERTIFICATE OF SERVICE

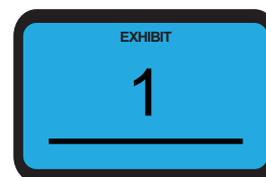
I, Vincent P. France, hereby certify that on January 29, 2024, I electronically filed the foregoing with the Arkansas State Claims Commission by emailing it to ascpleadings@arkansas.gov and by sending a copy to Claimant's attorney Jim Jackson via email as indicated below.

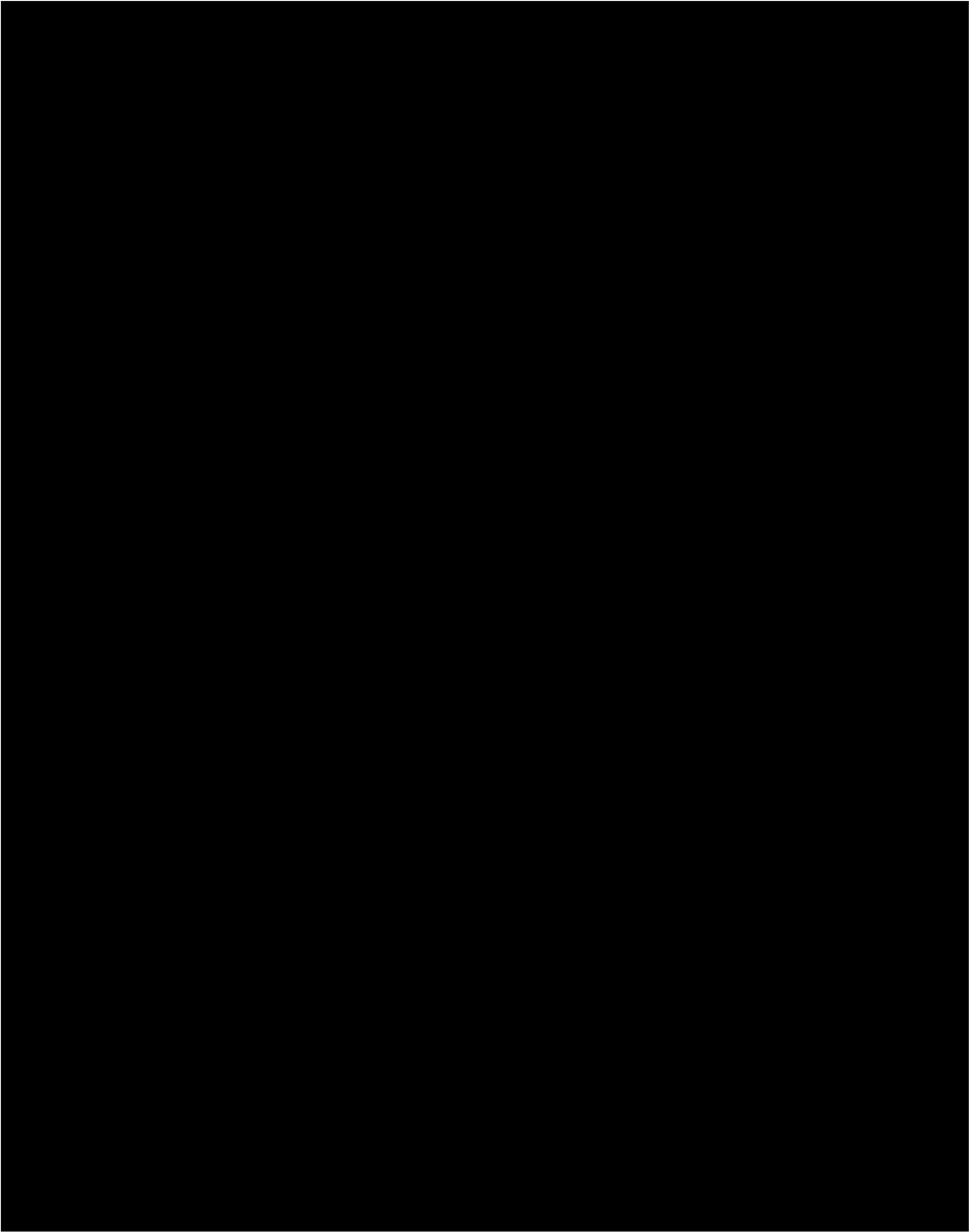
Jim Jackson
Jim@JimJacksonatty.com

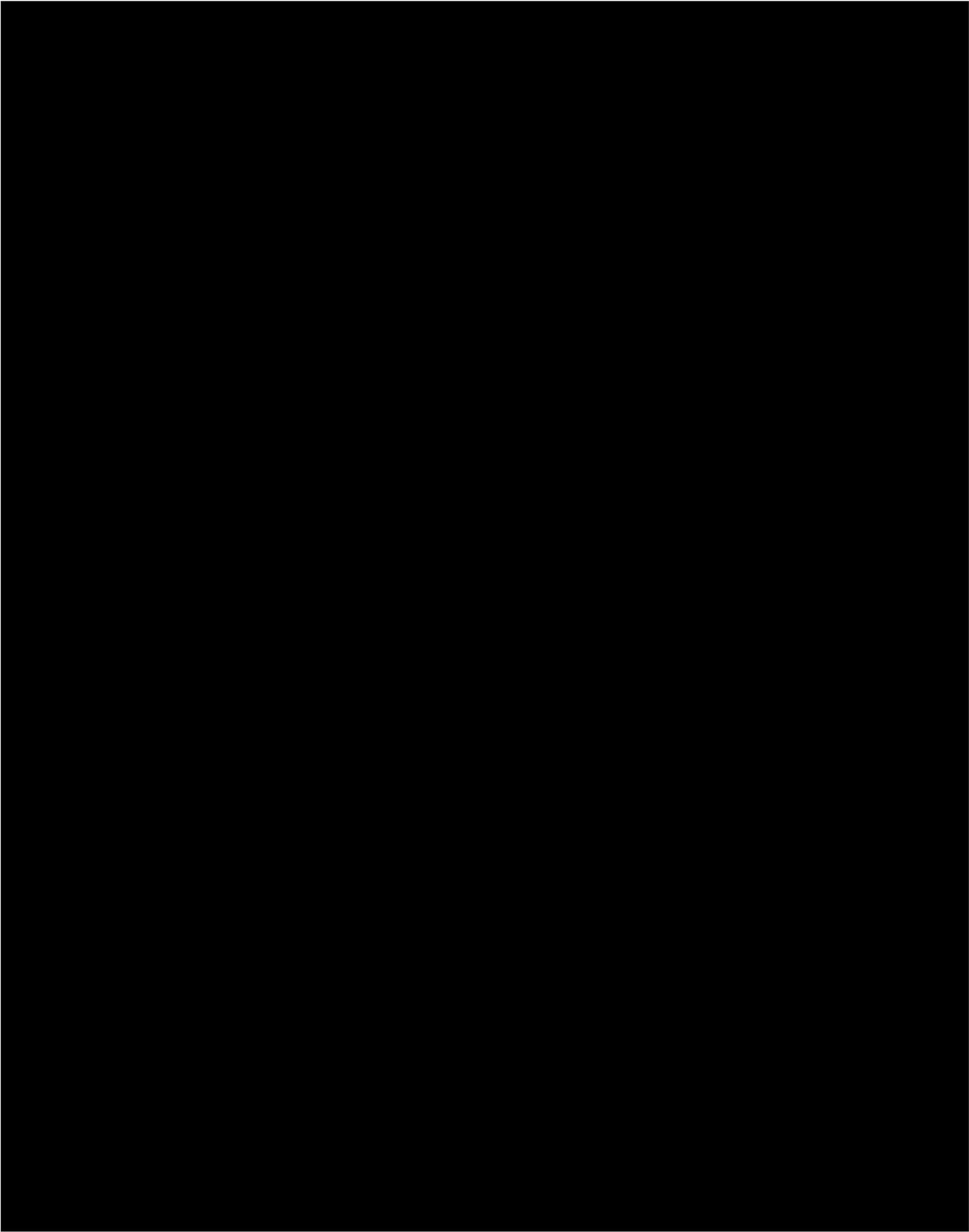
/s/ Vincent P. France

Vincent P. France

Documents Produced by Claimant

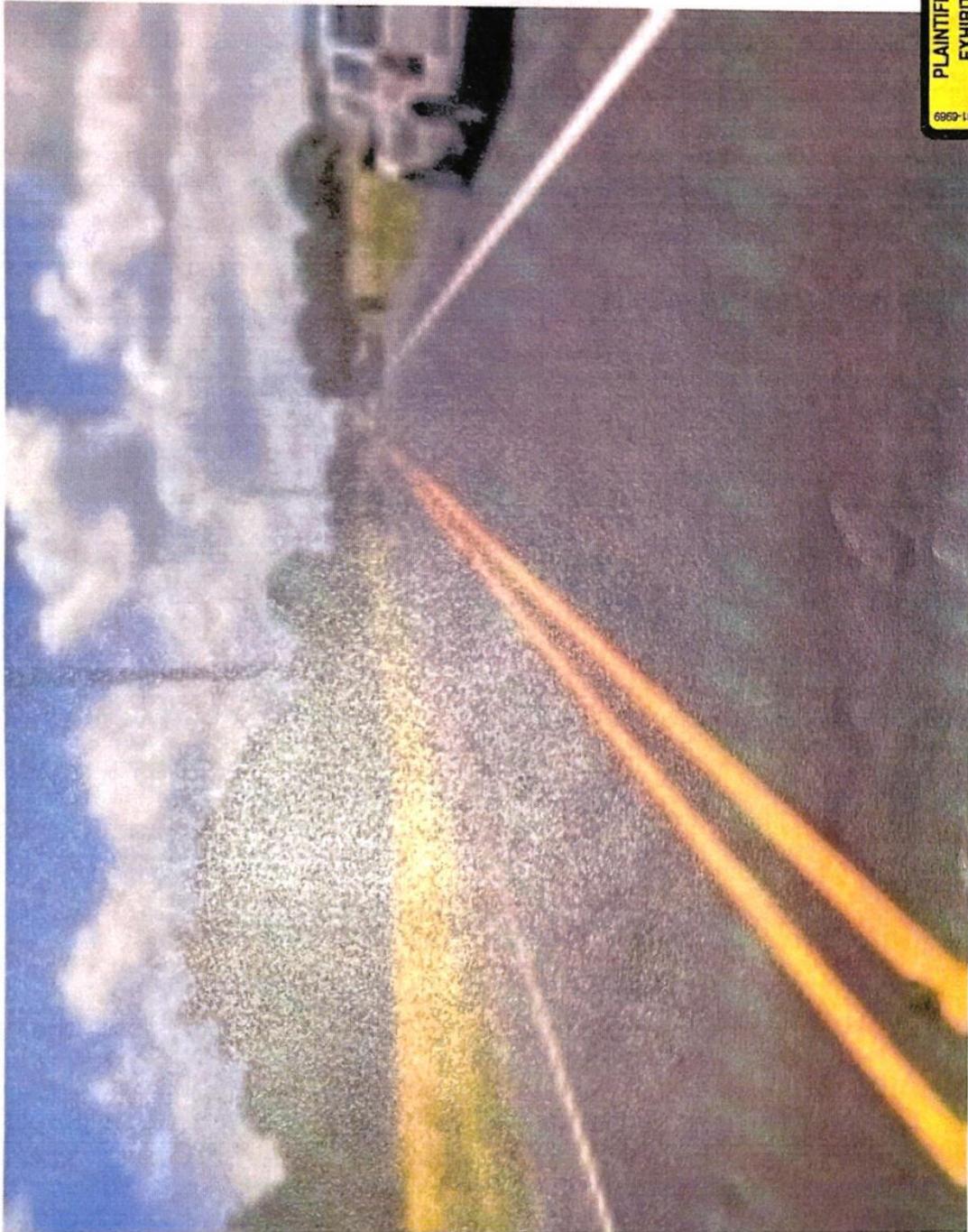






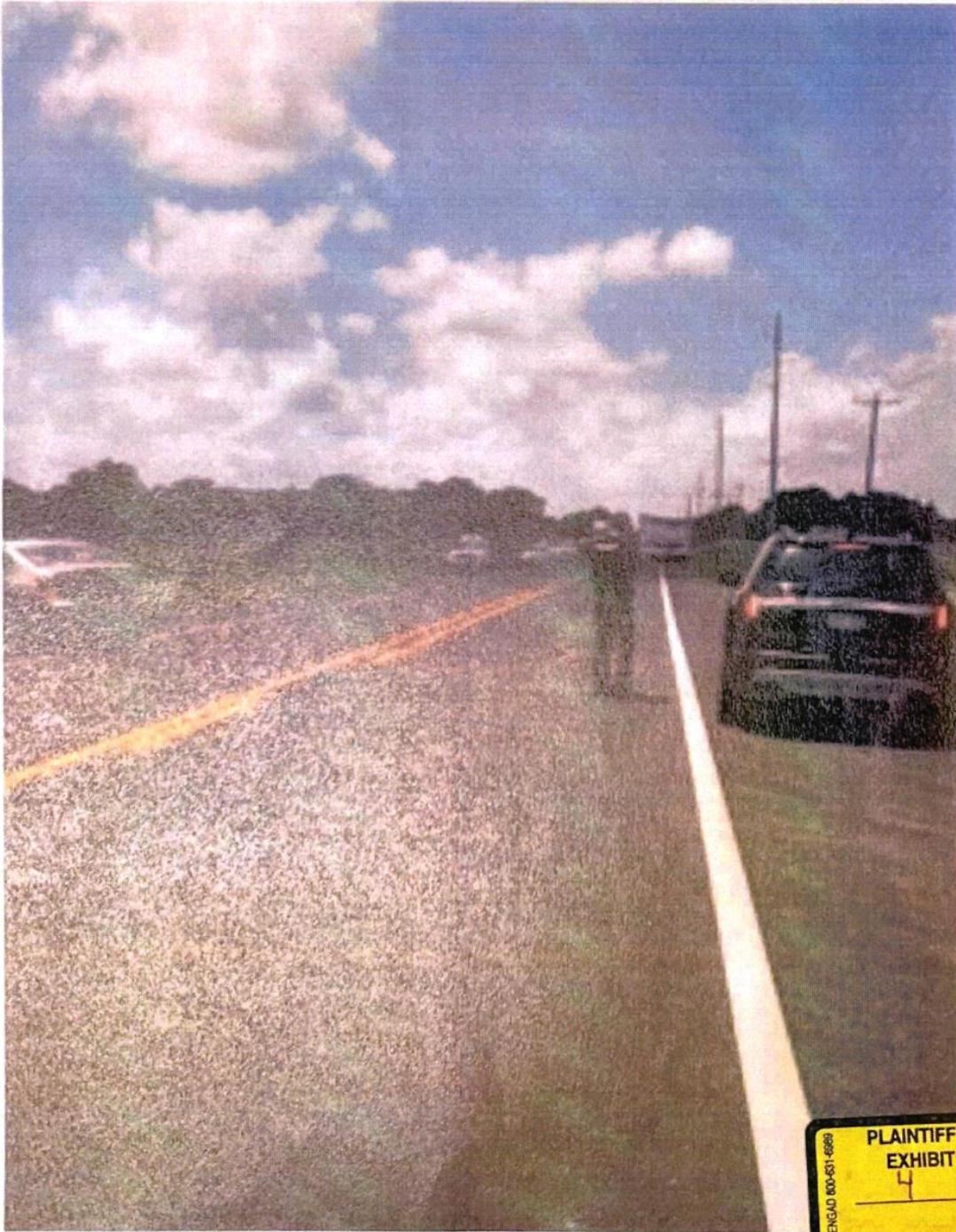
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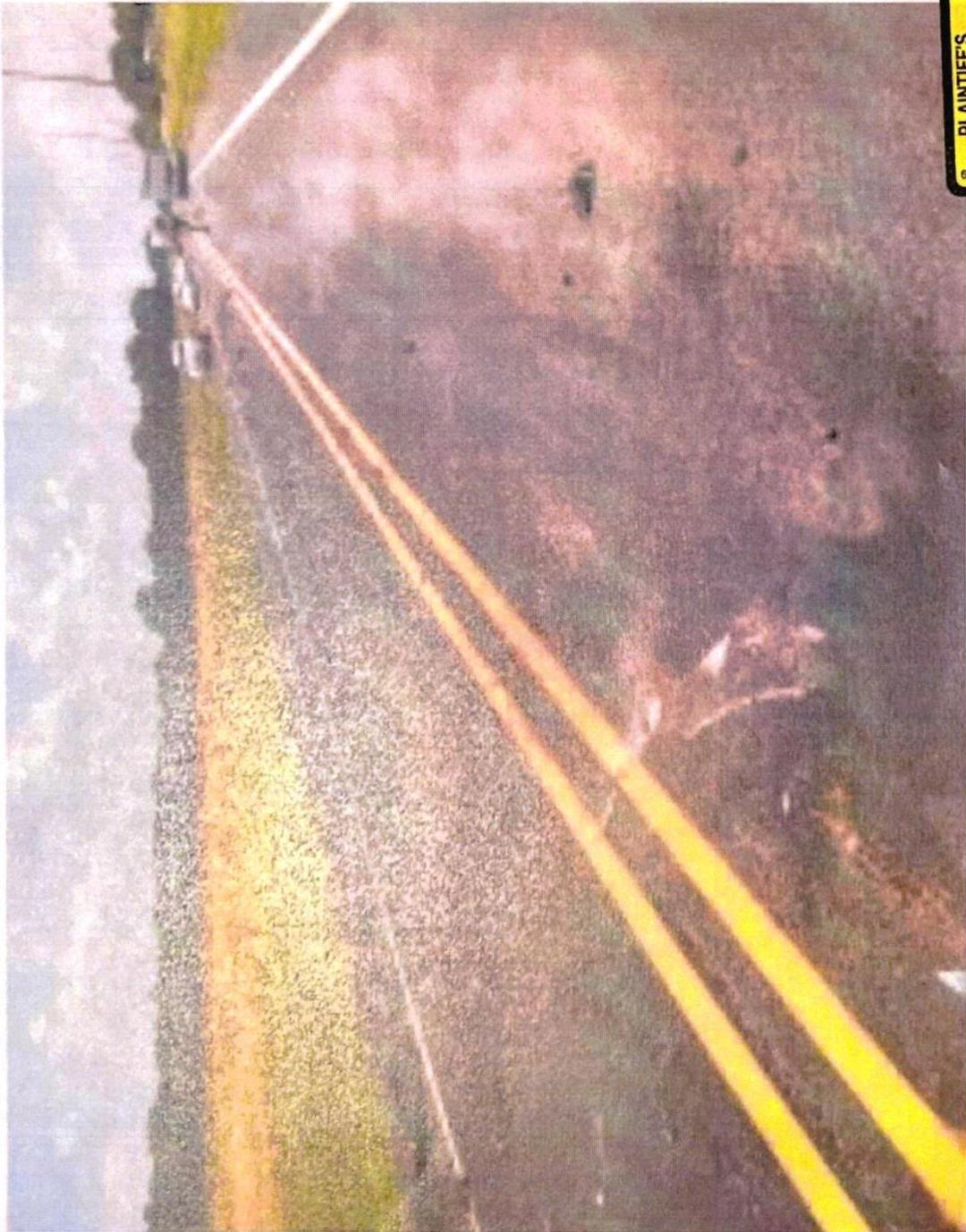


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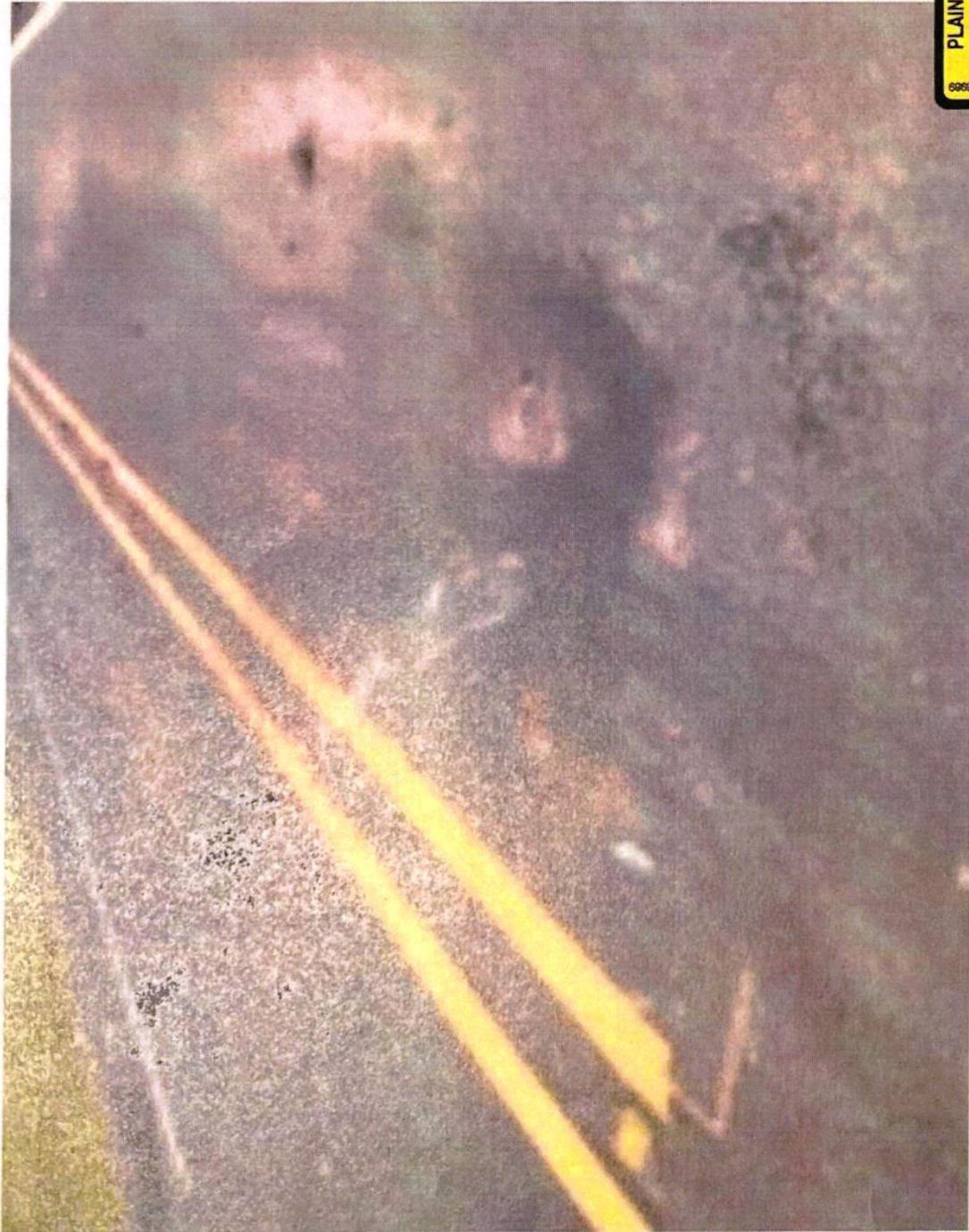


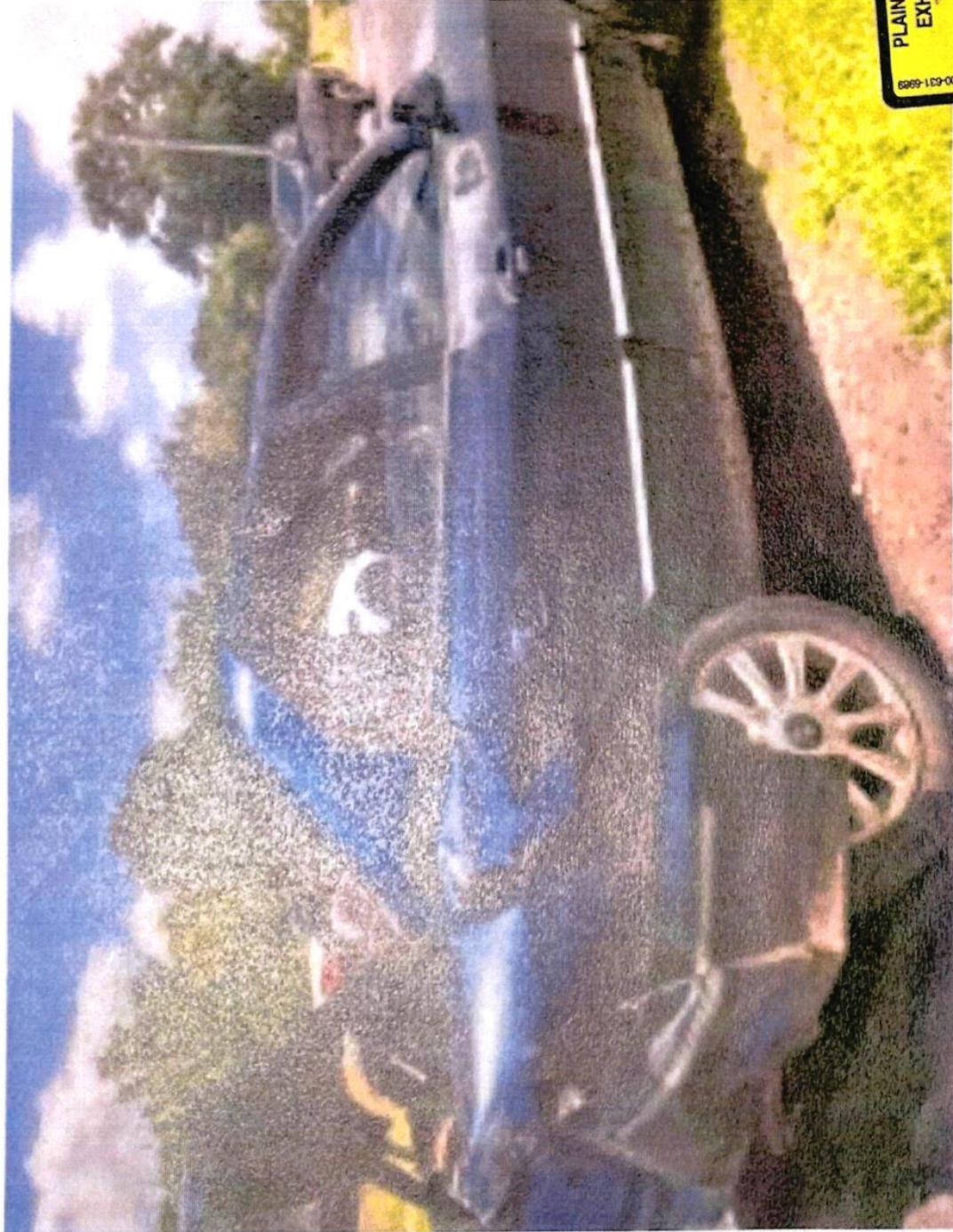
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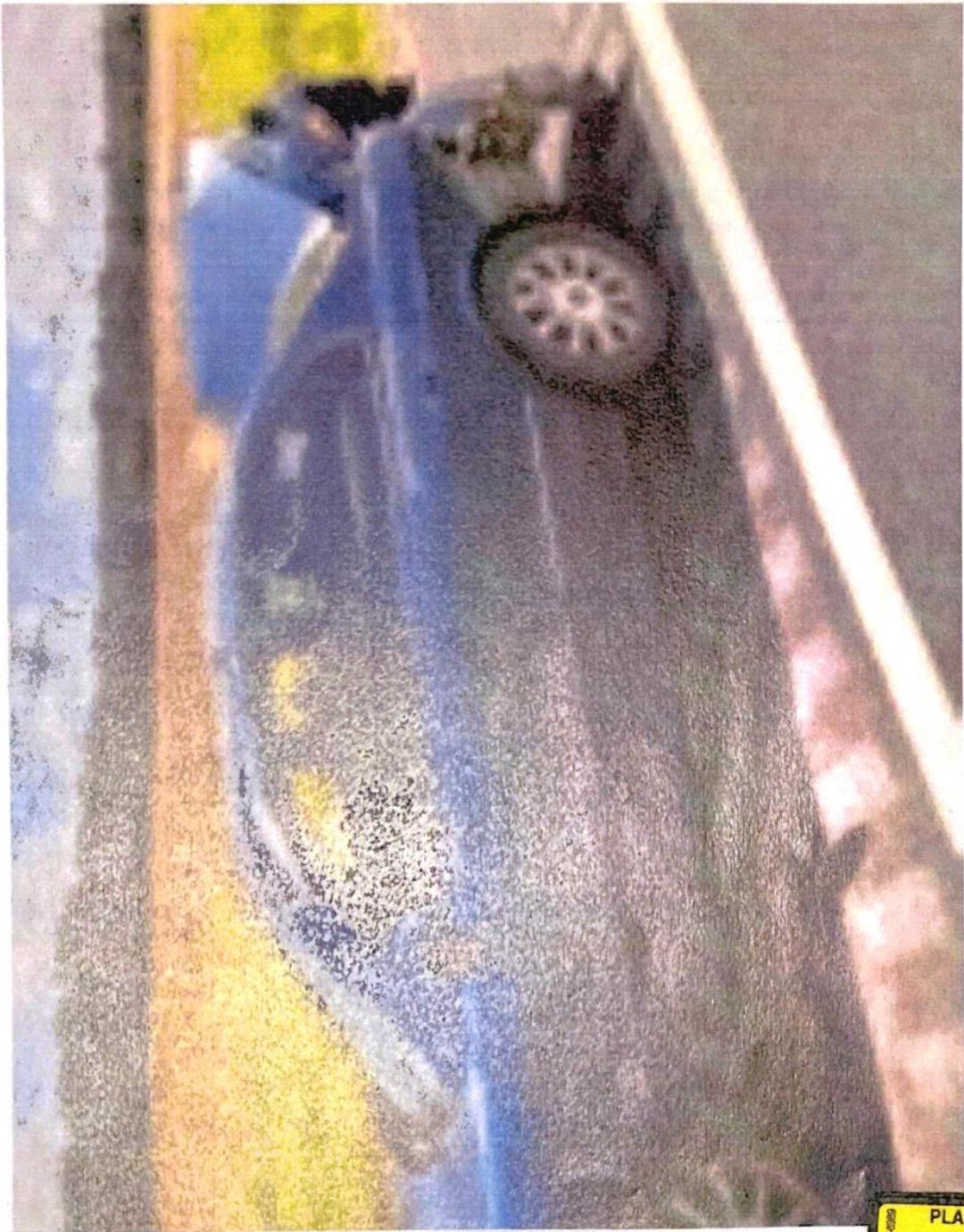
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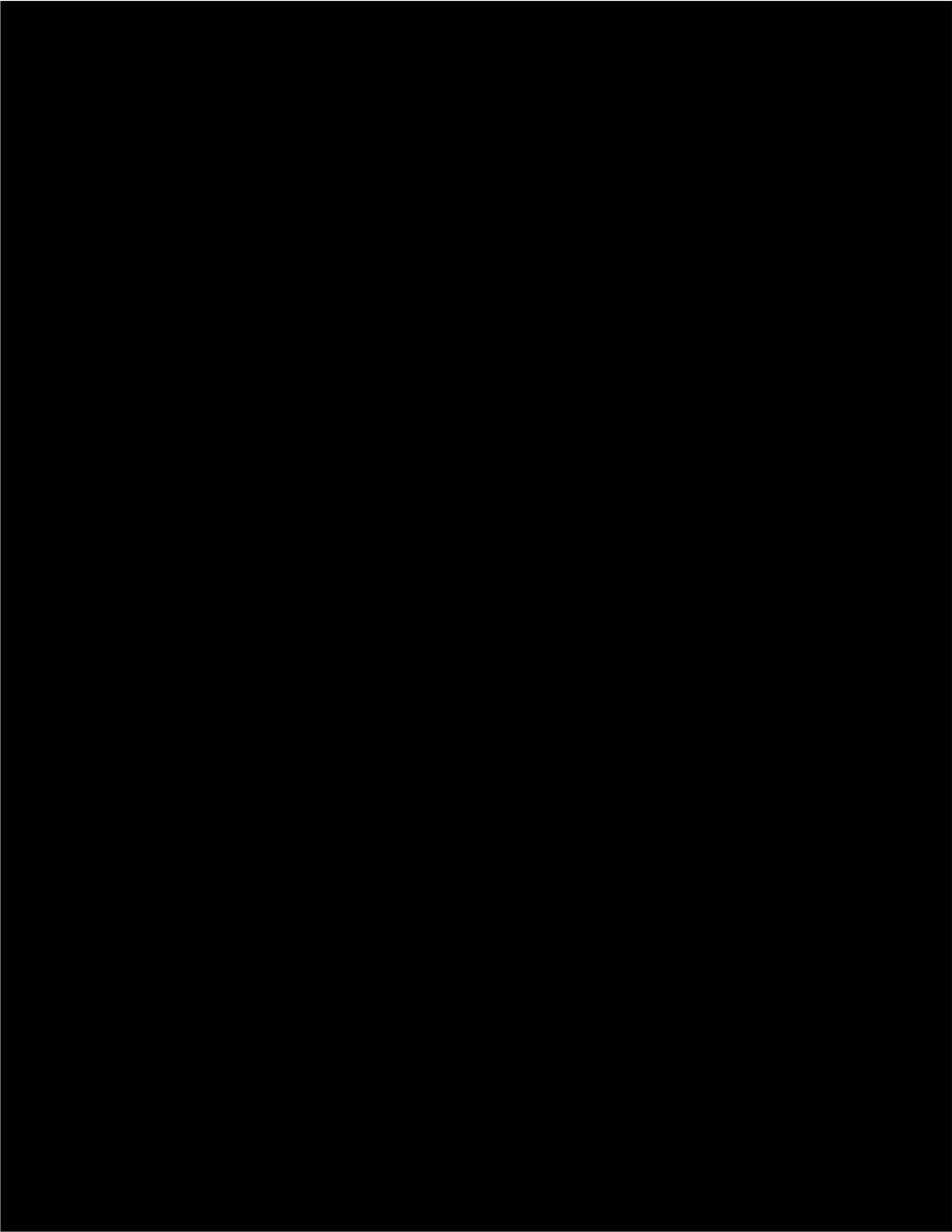


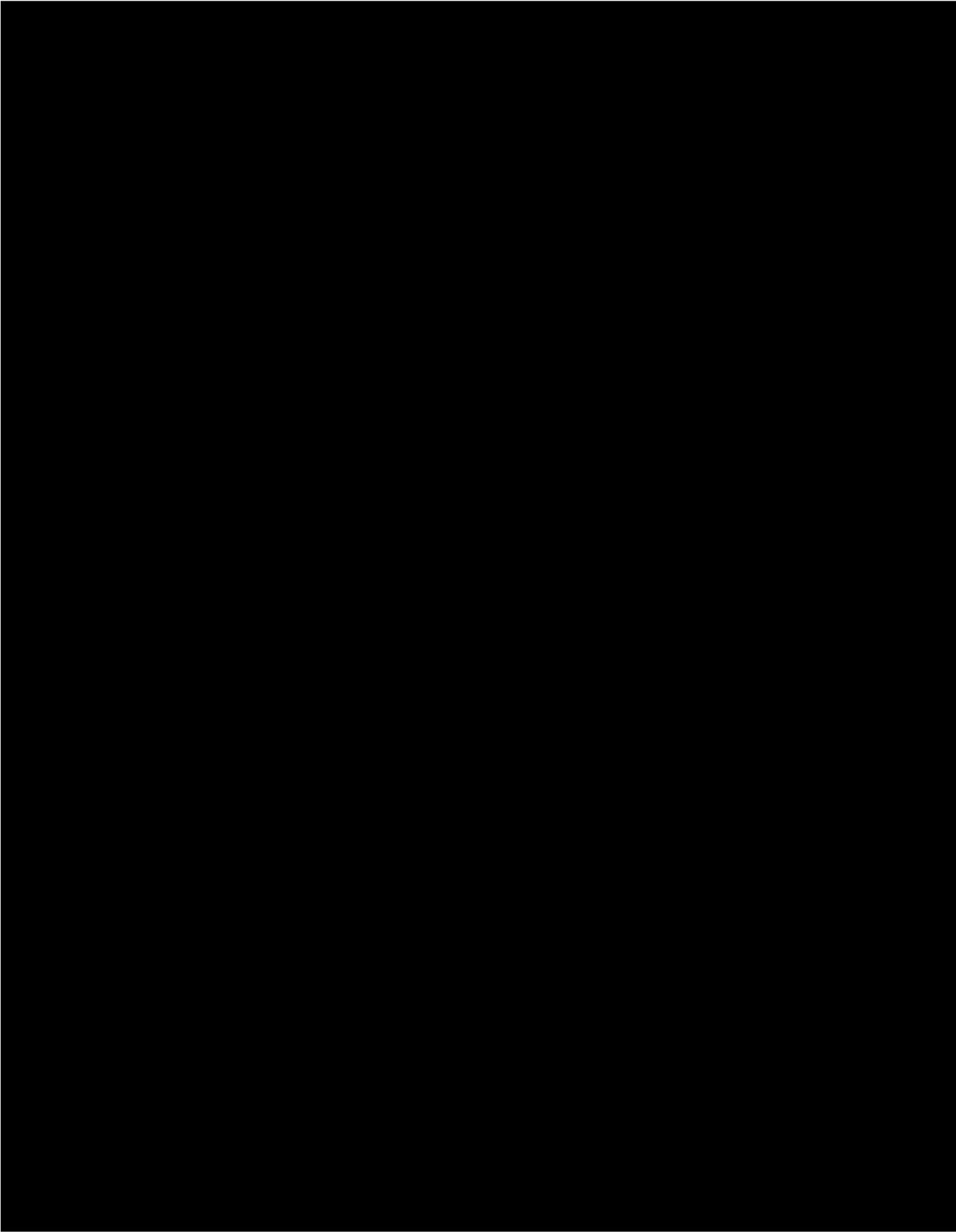


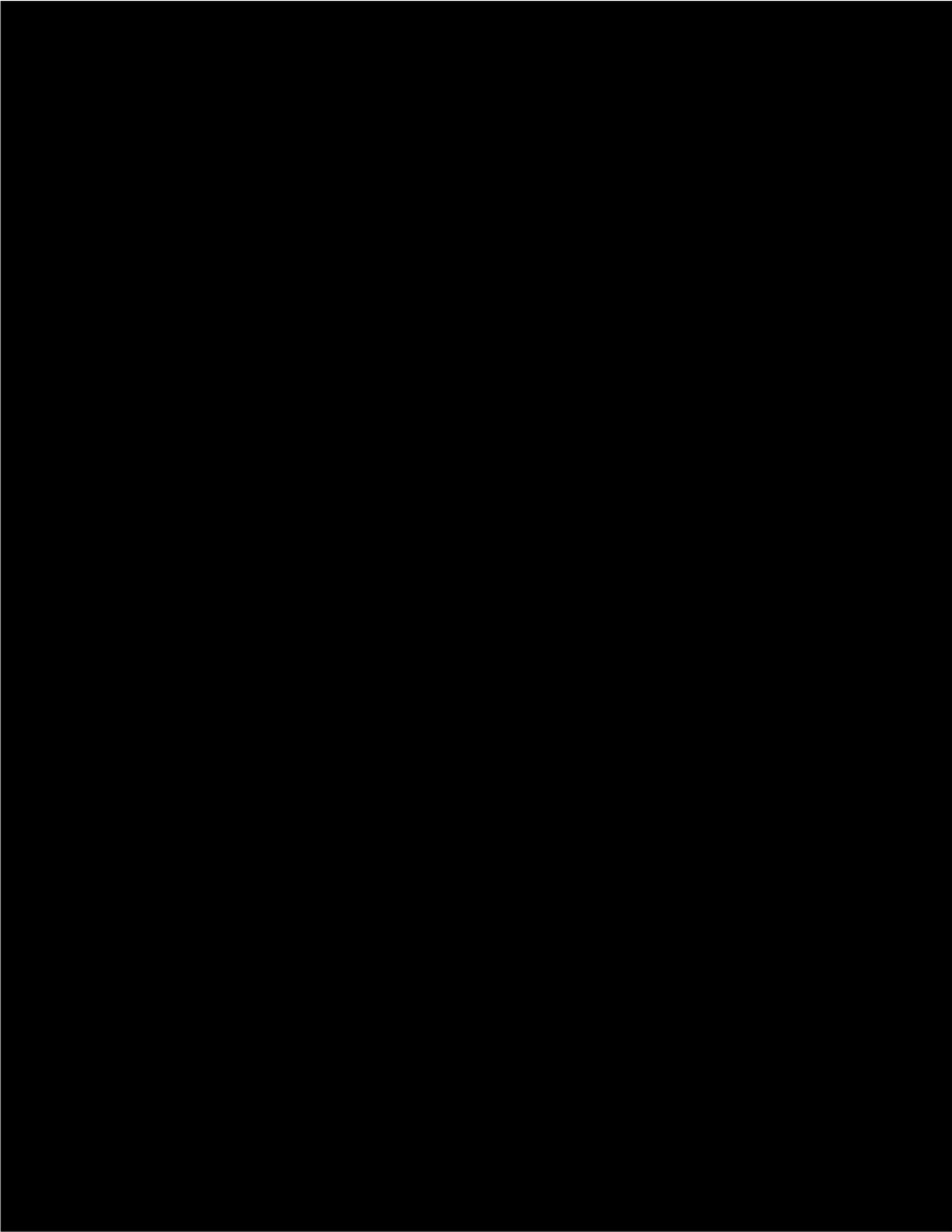
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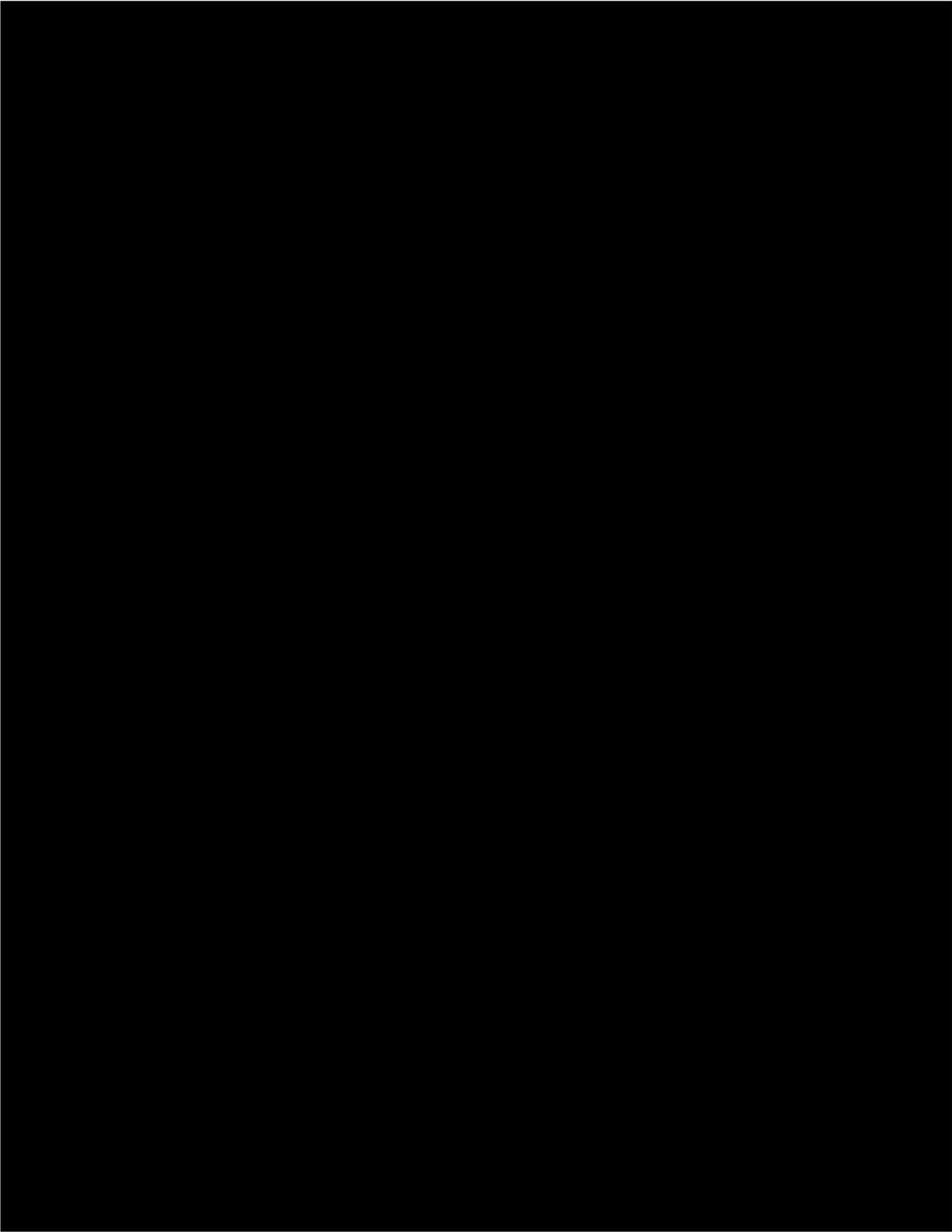


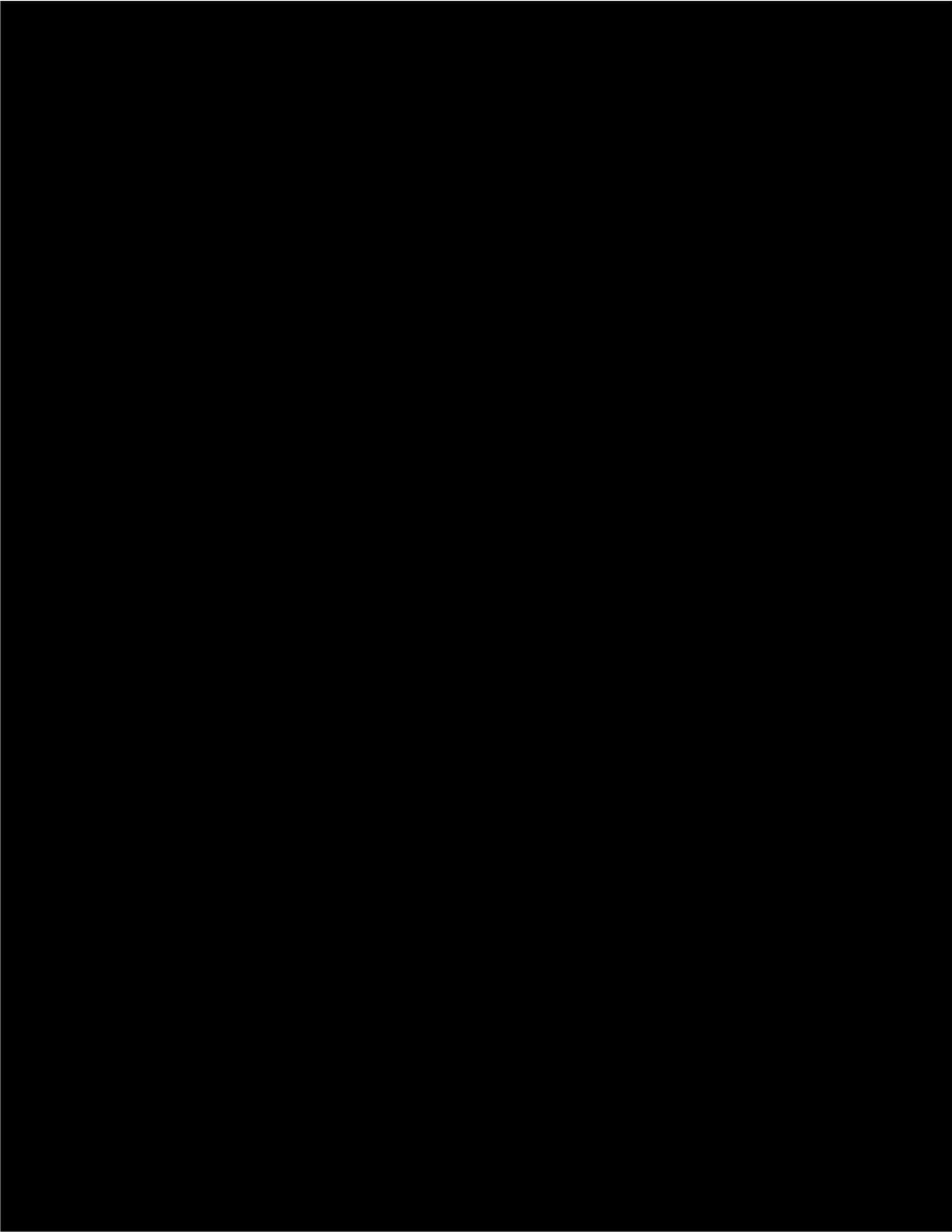
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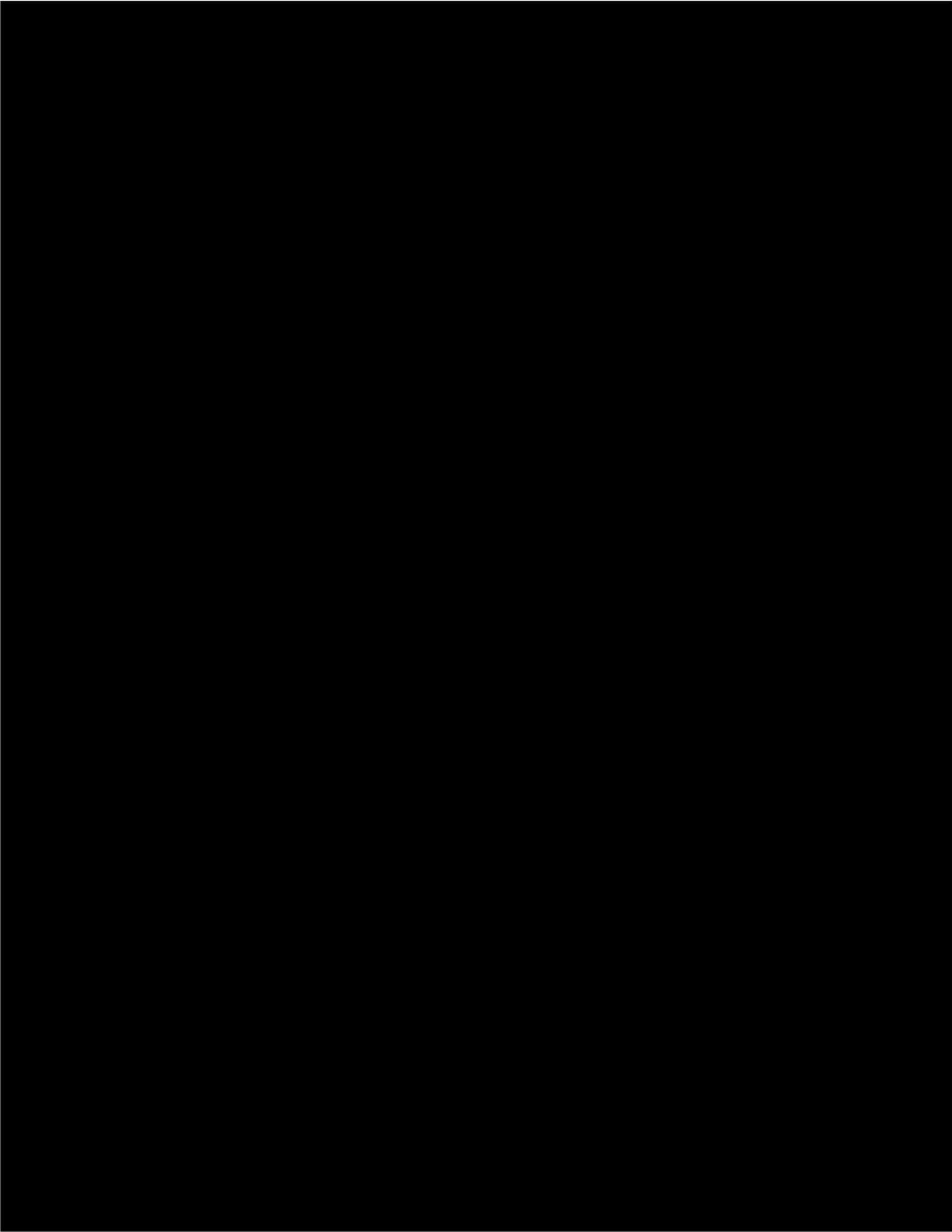


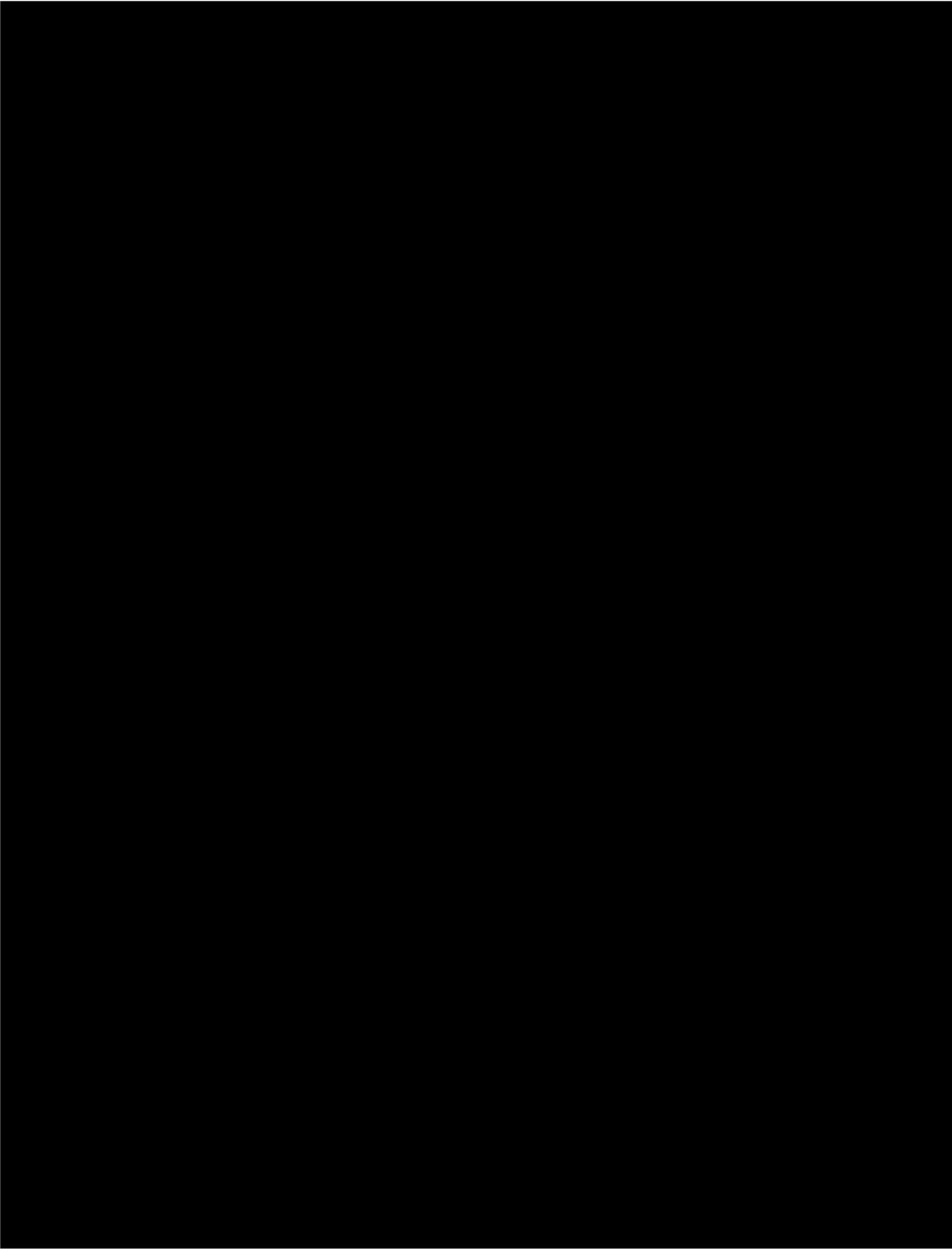


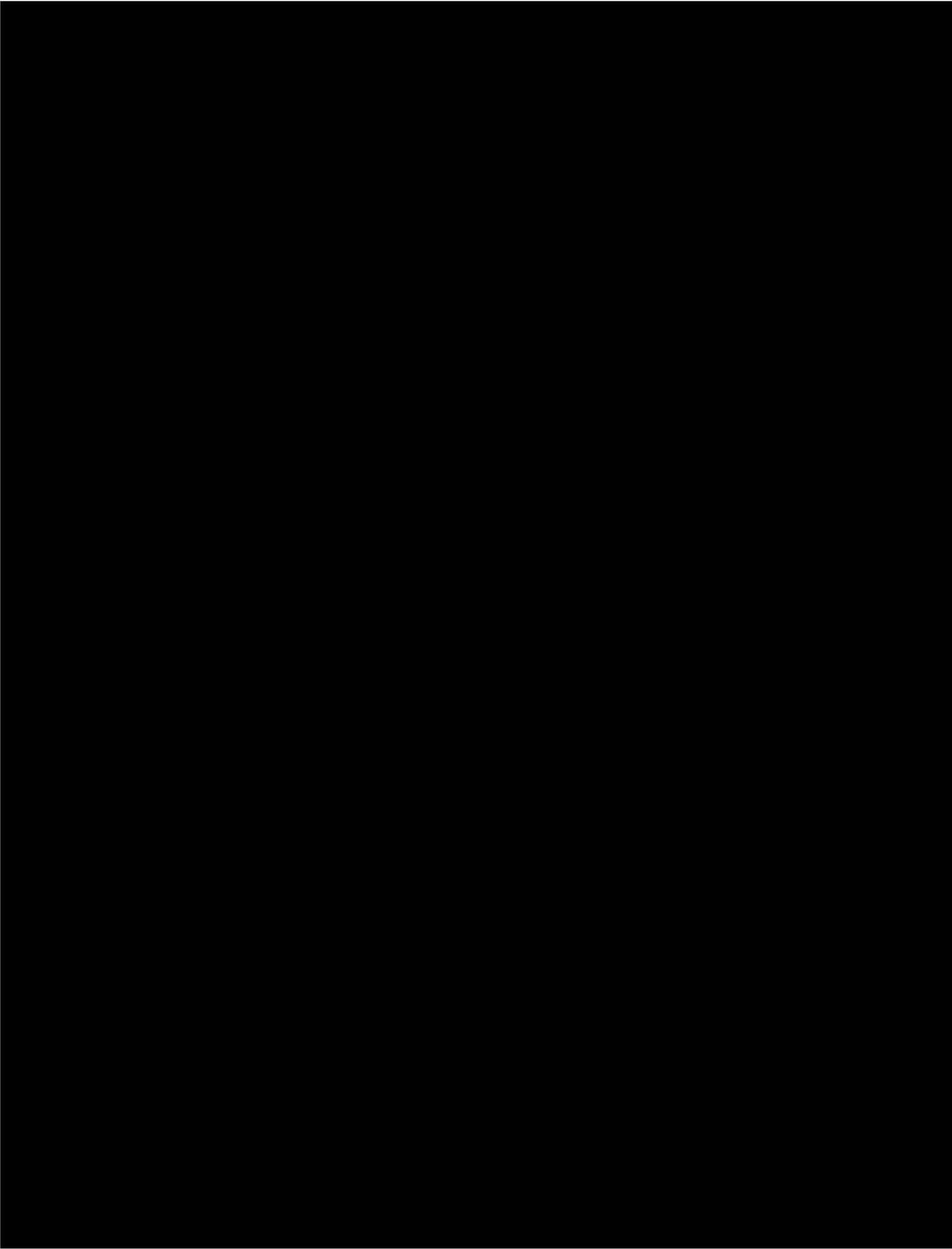


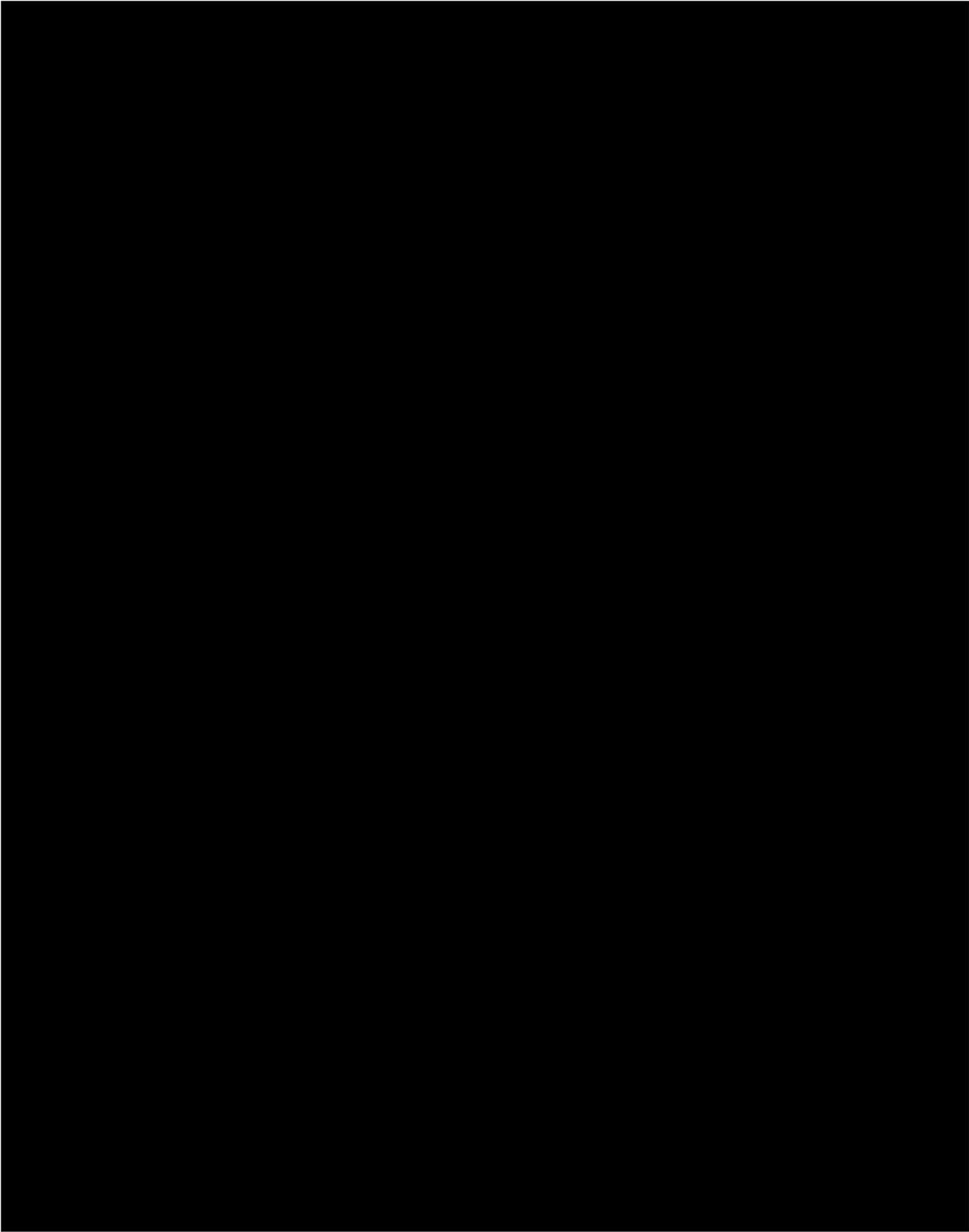


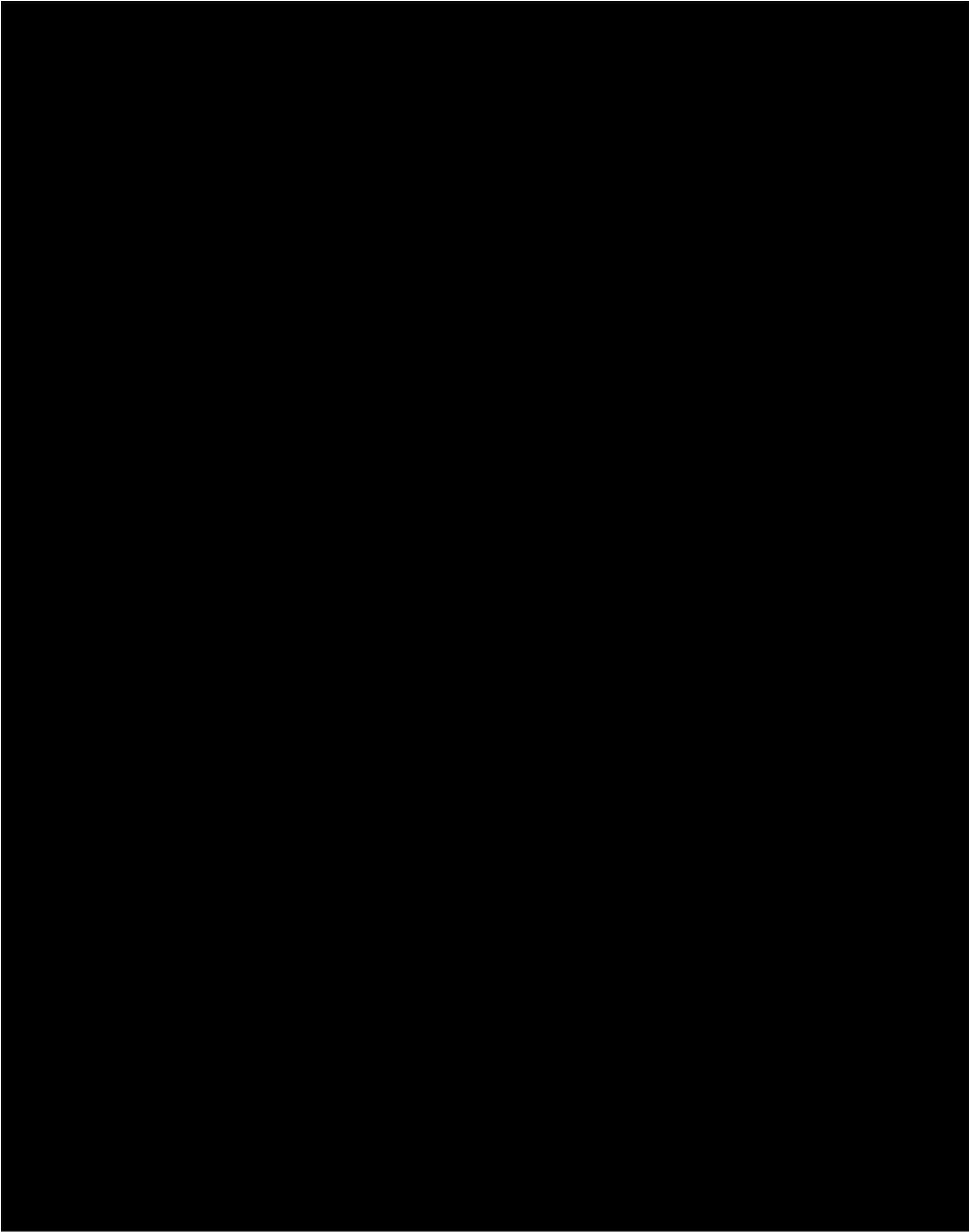


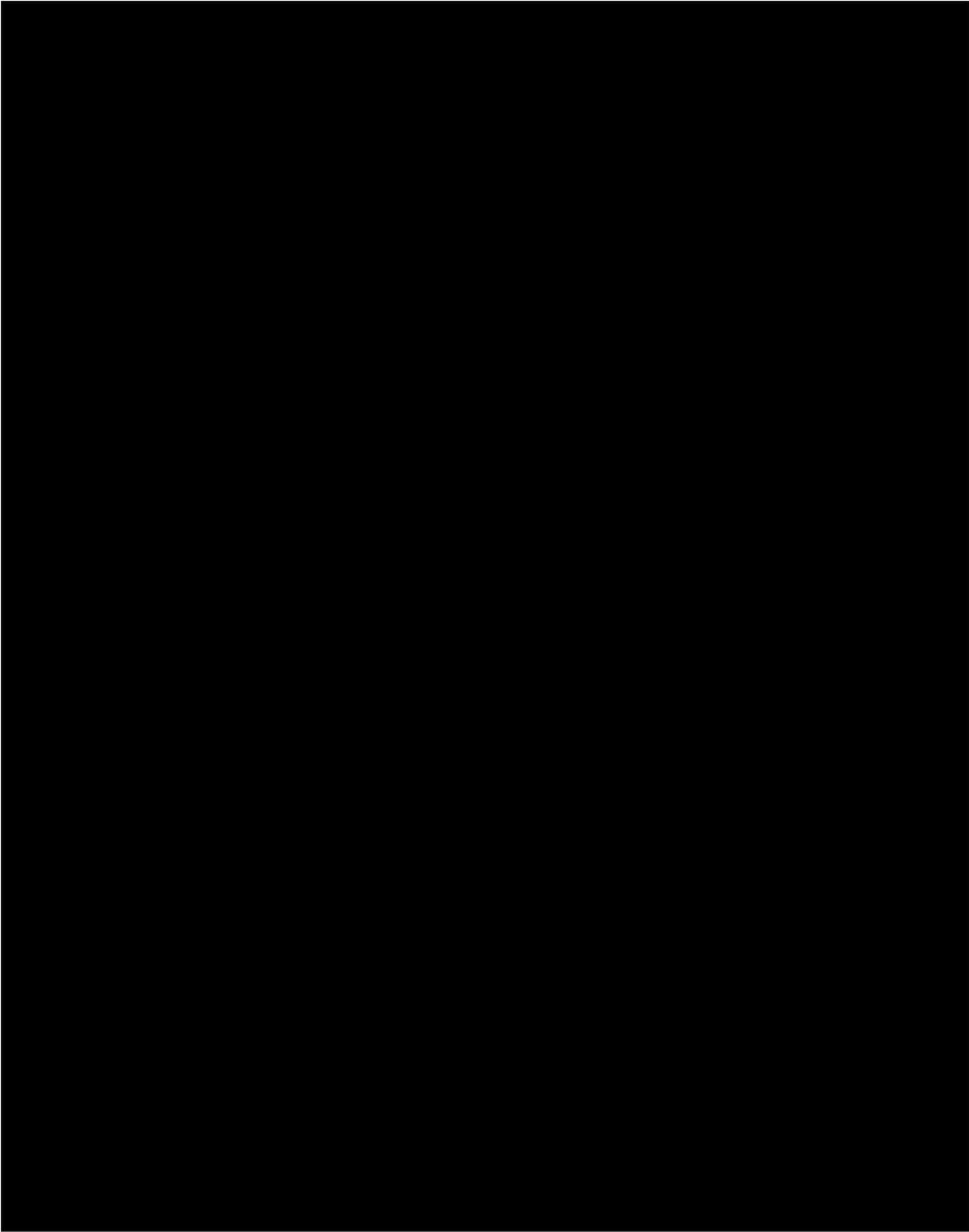


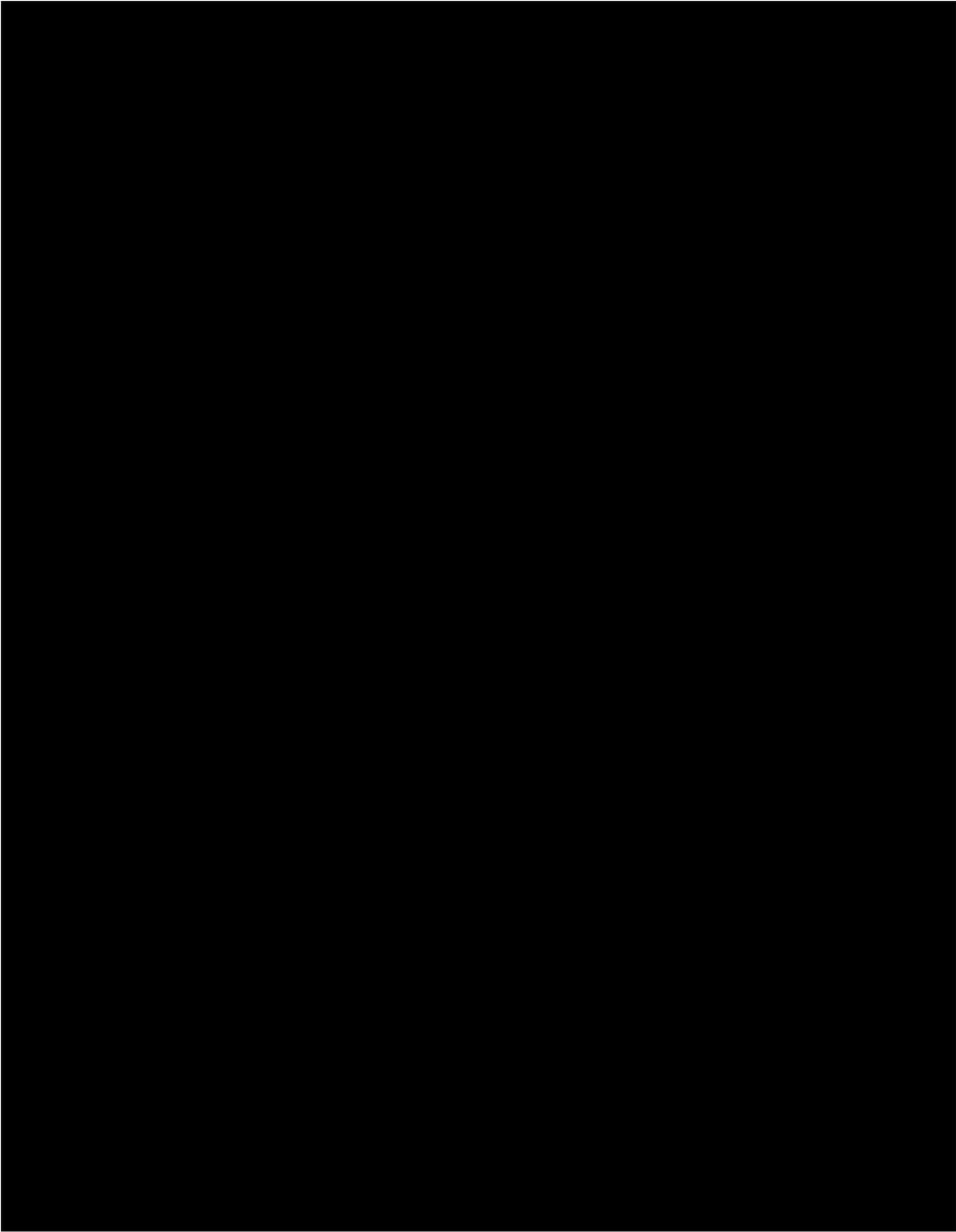


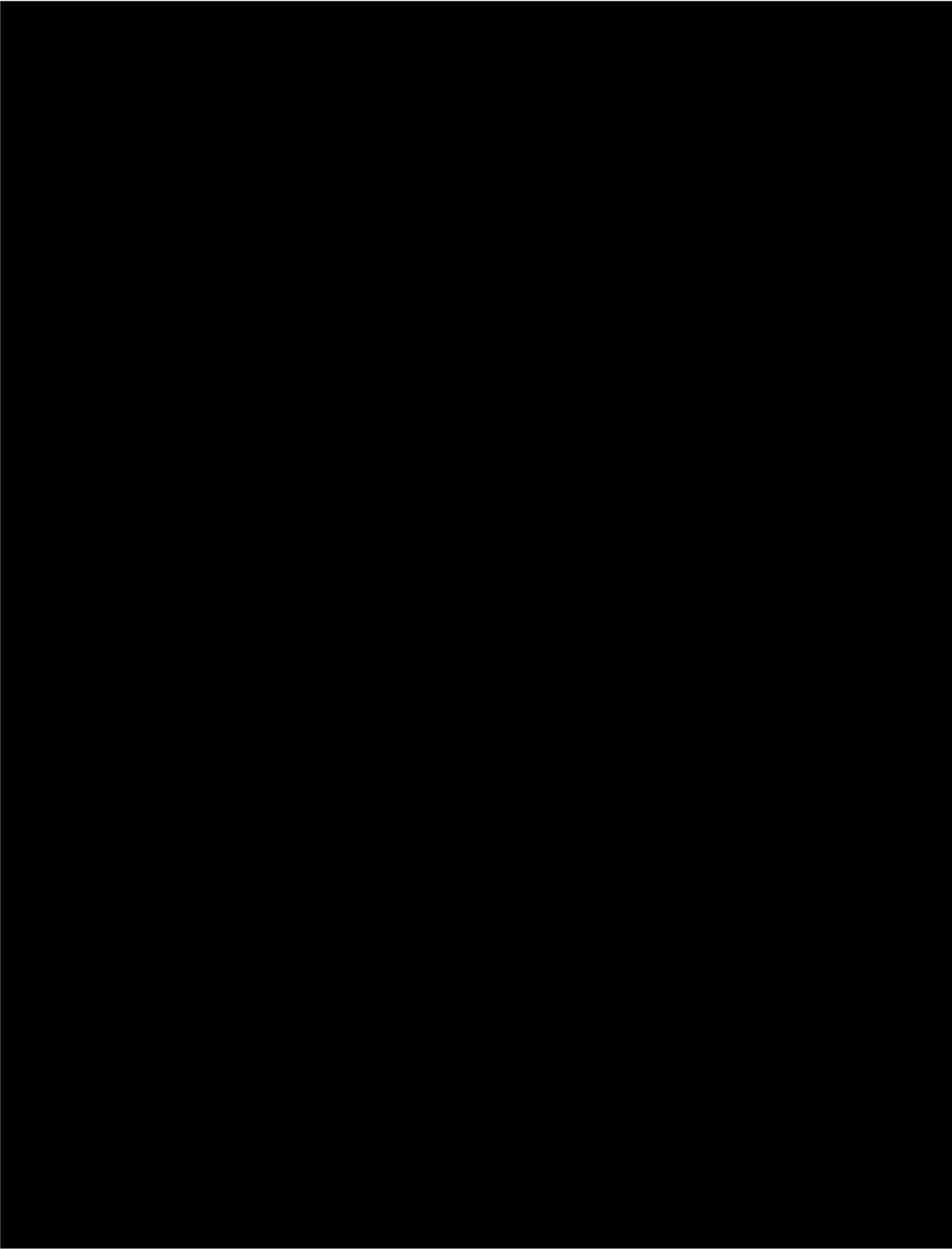


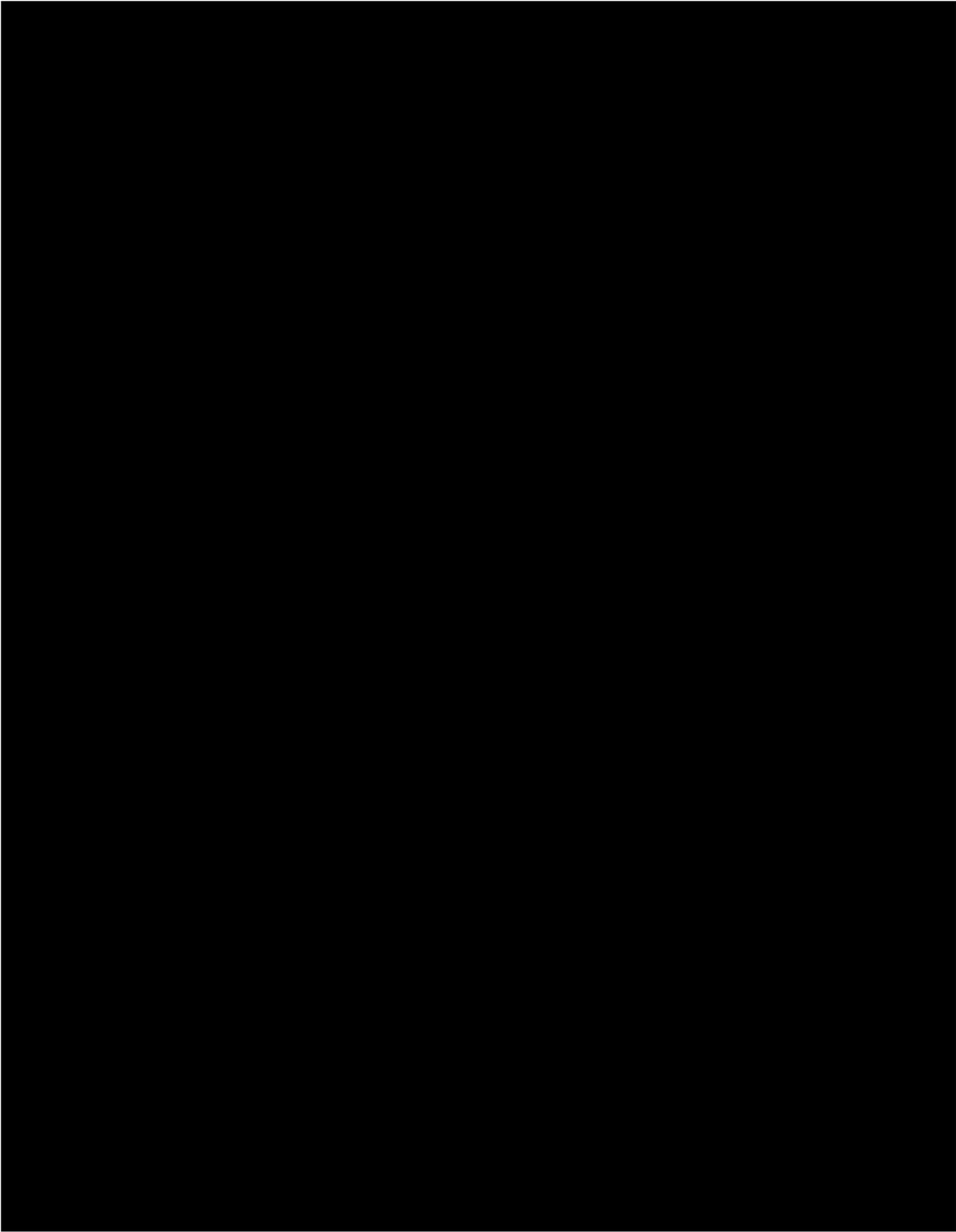


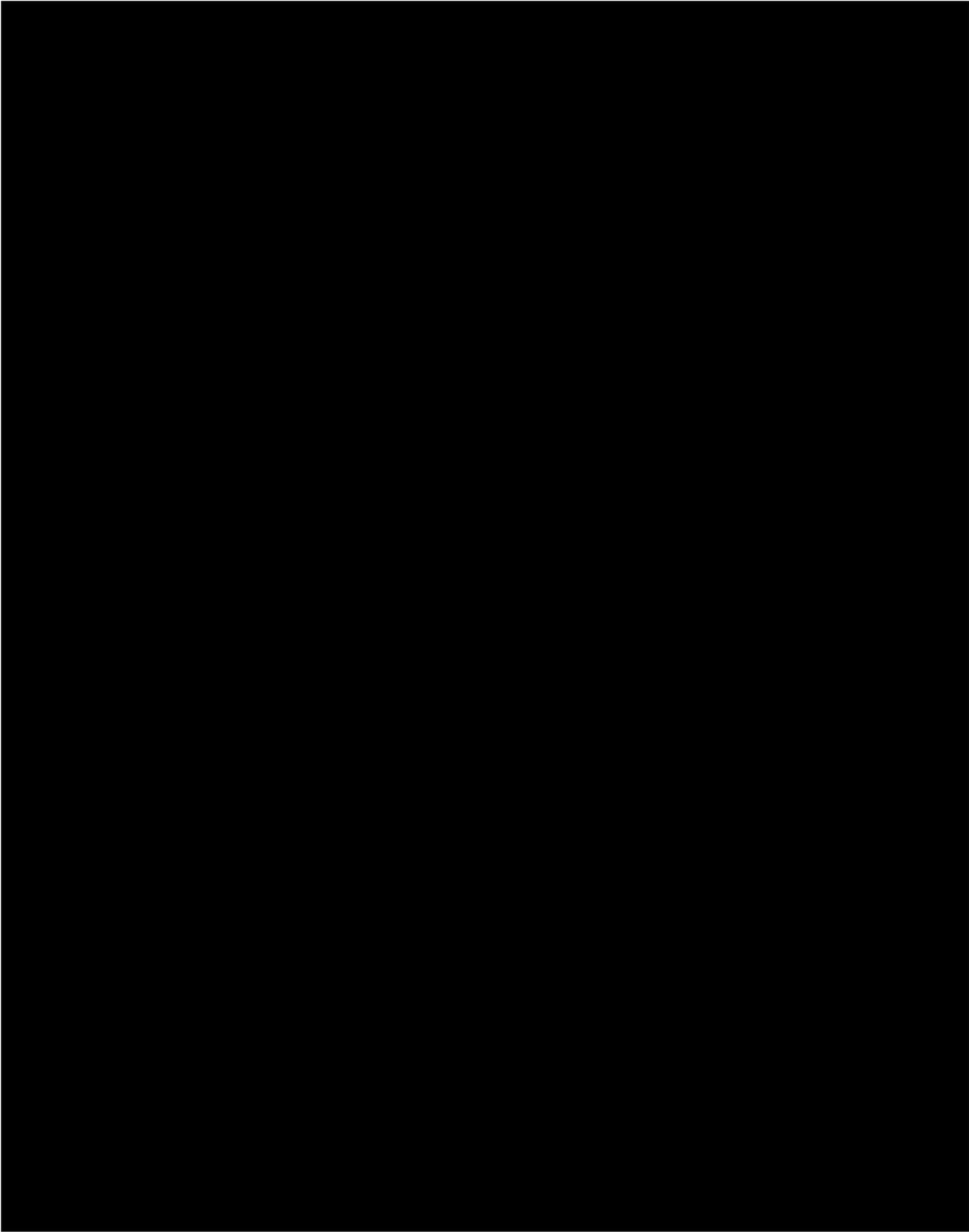


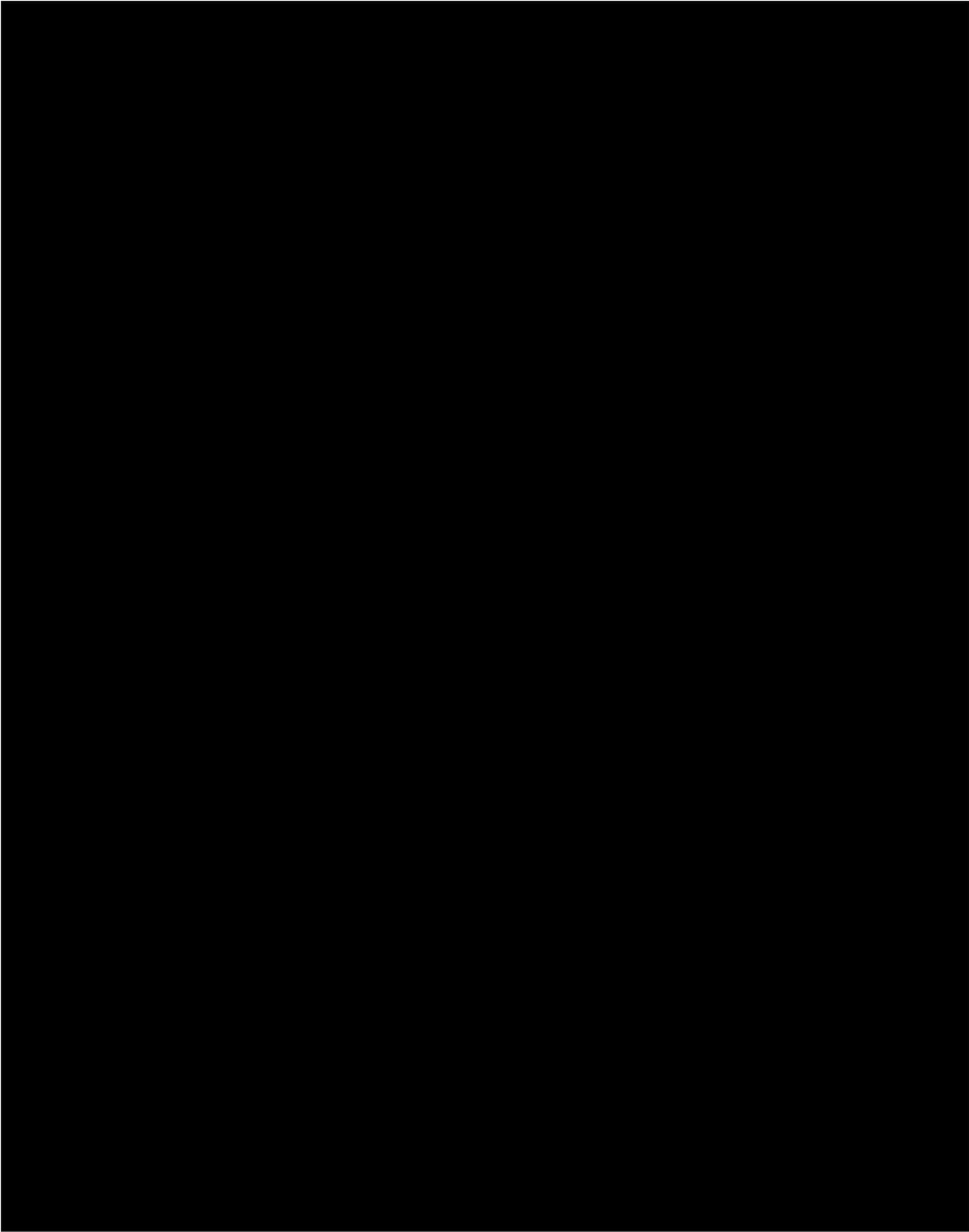


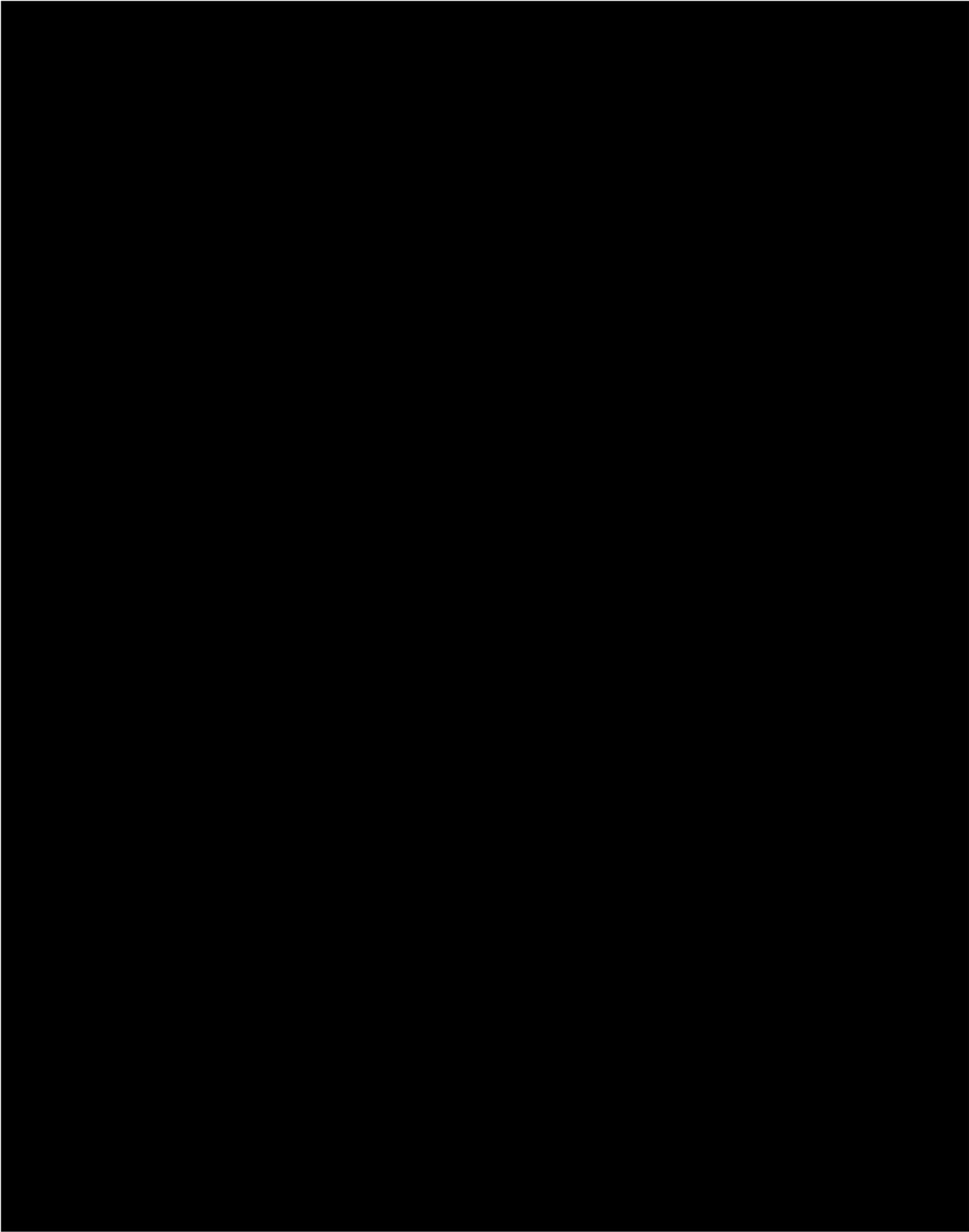


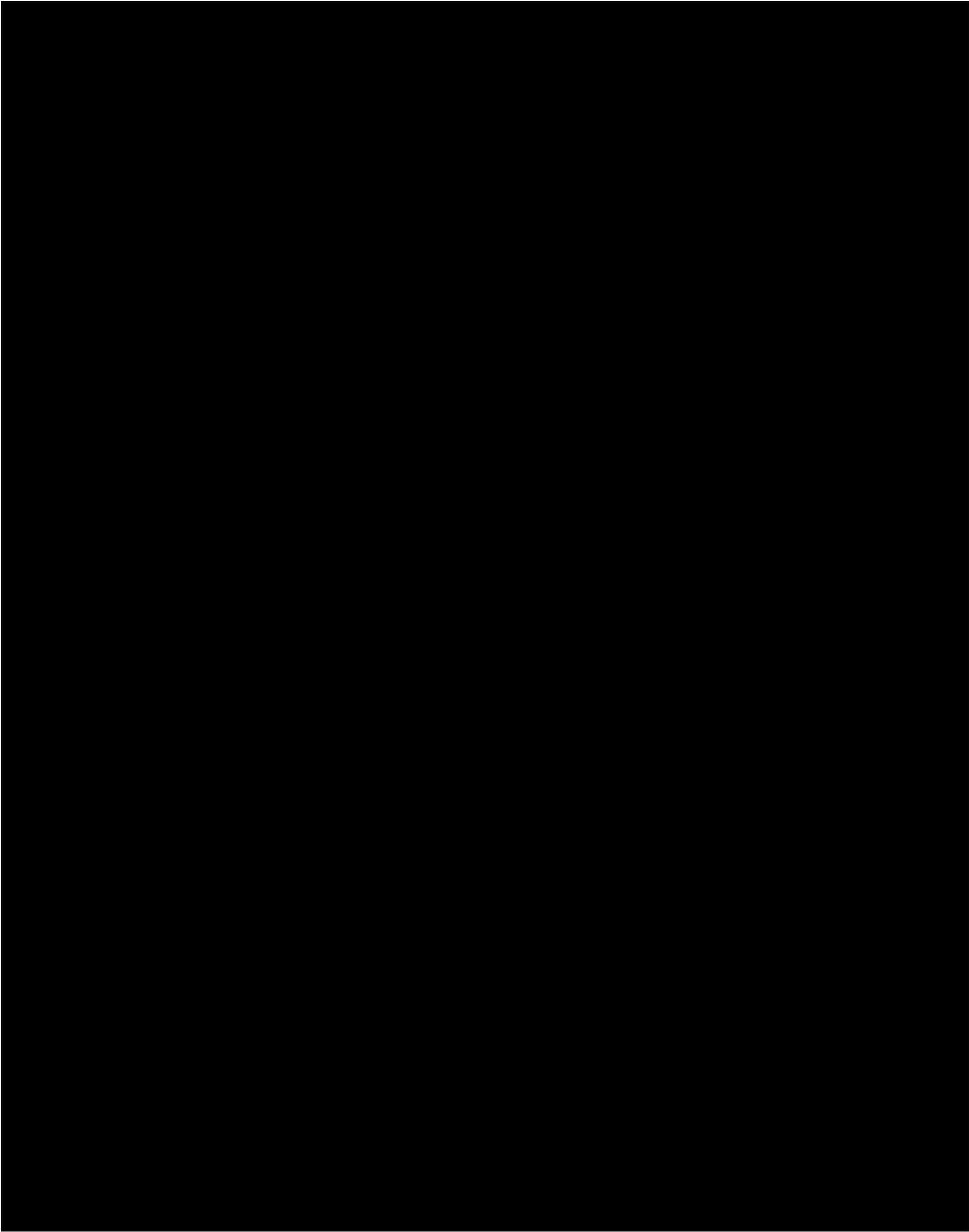


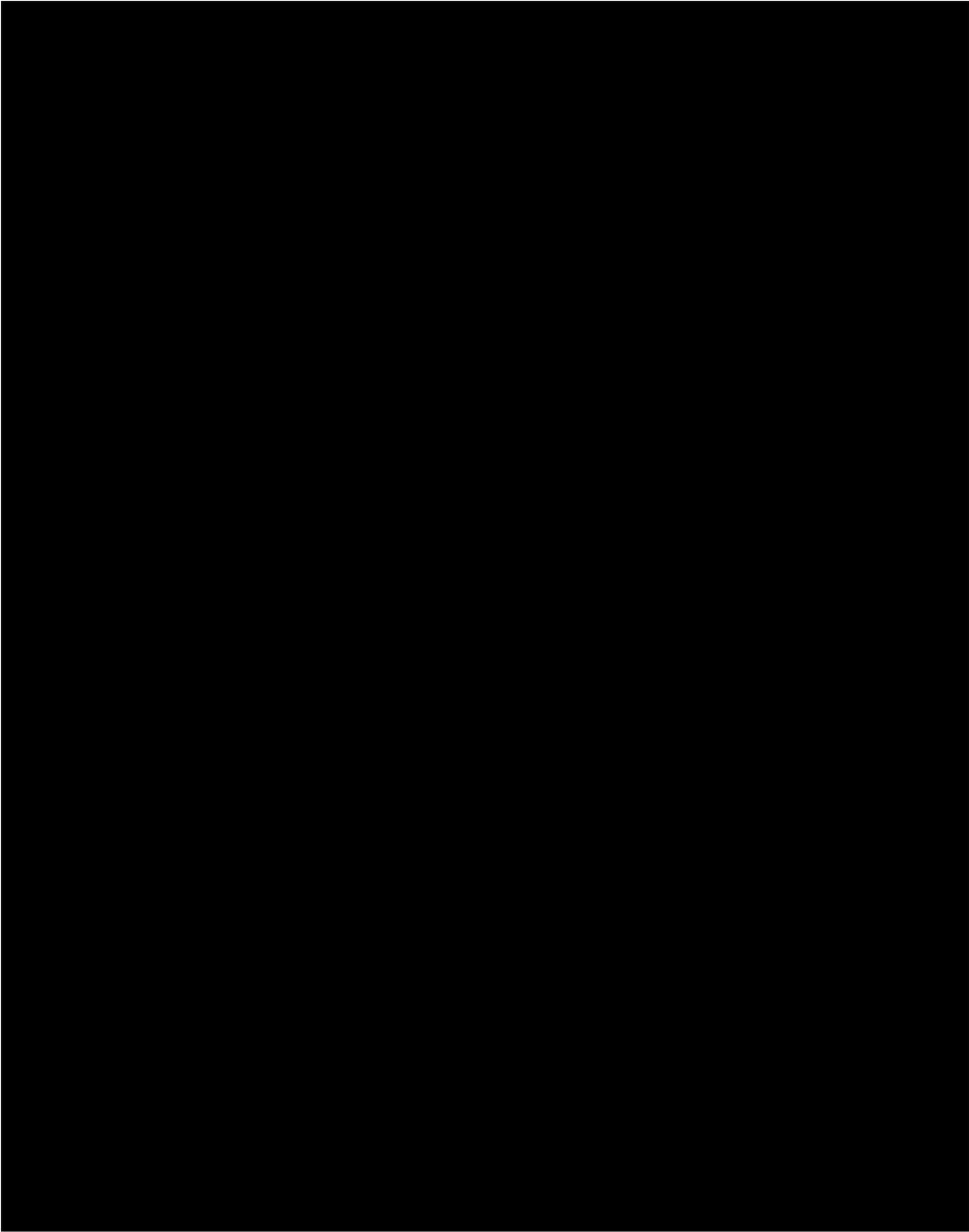


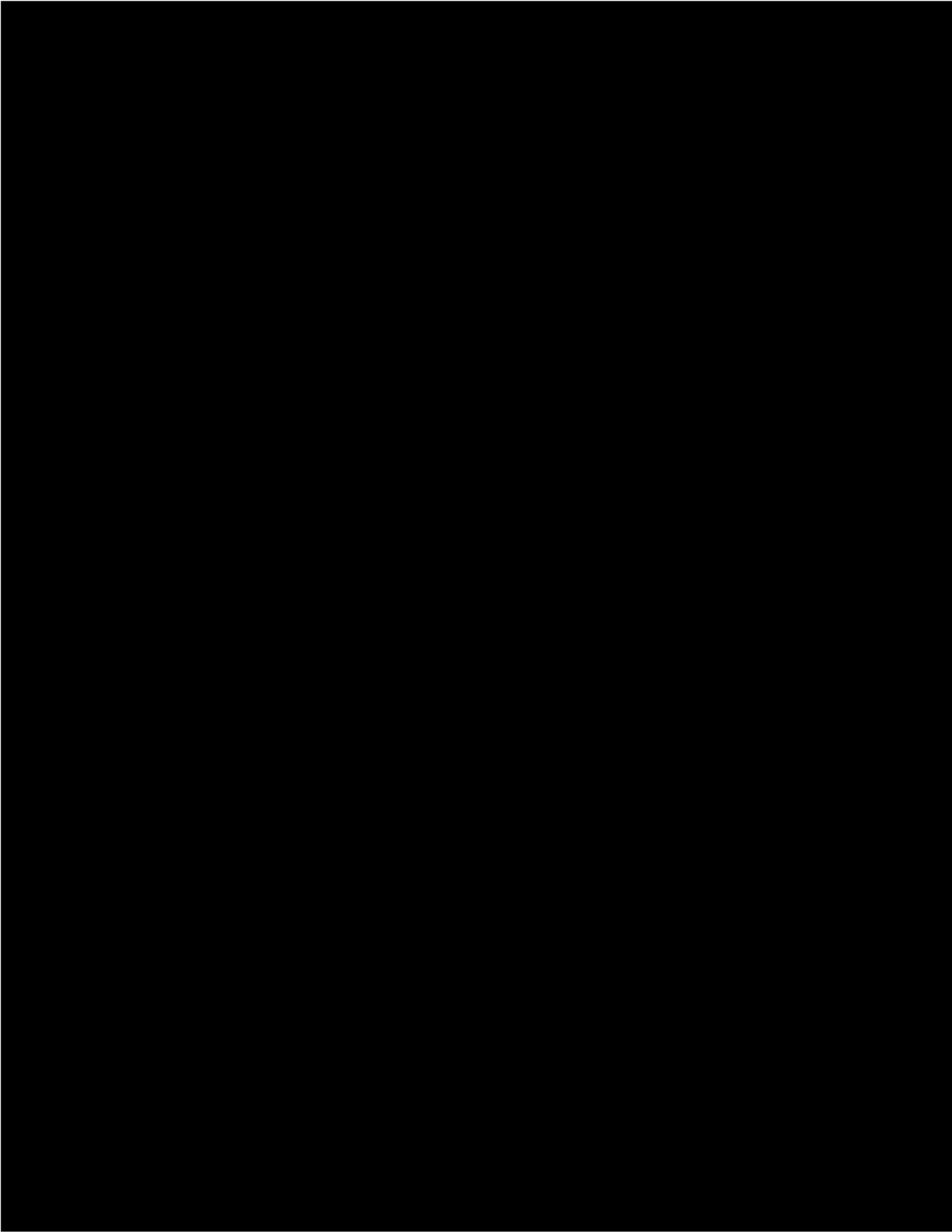


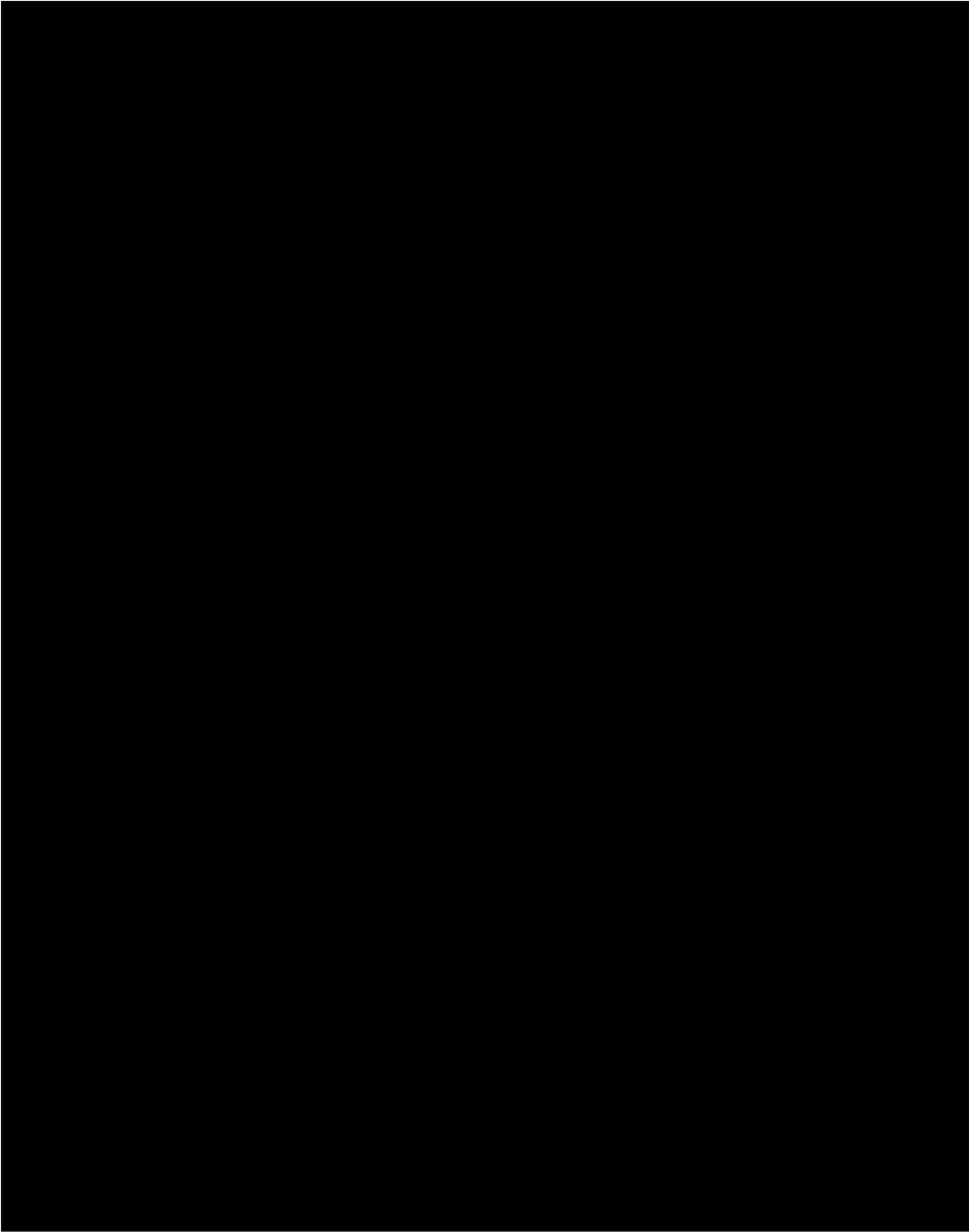


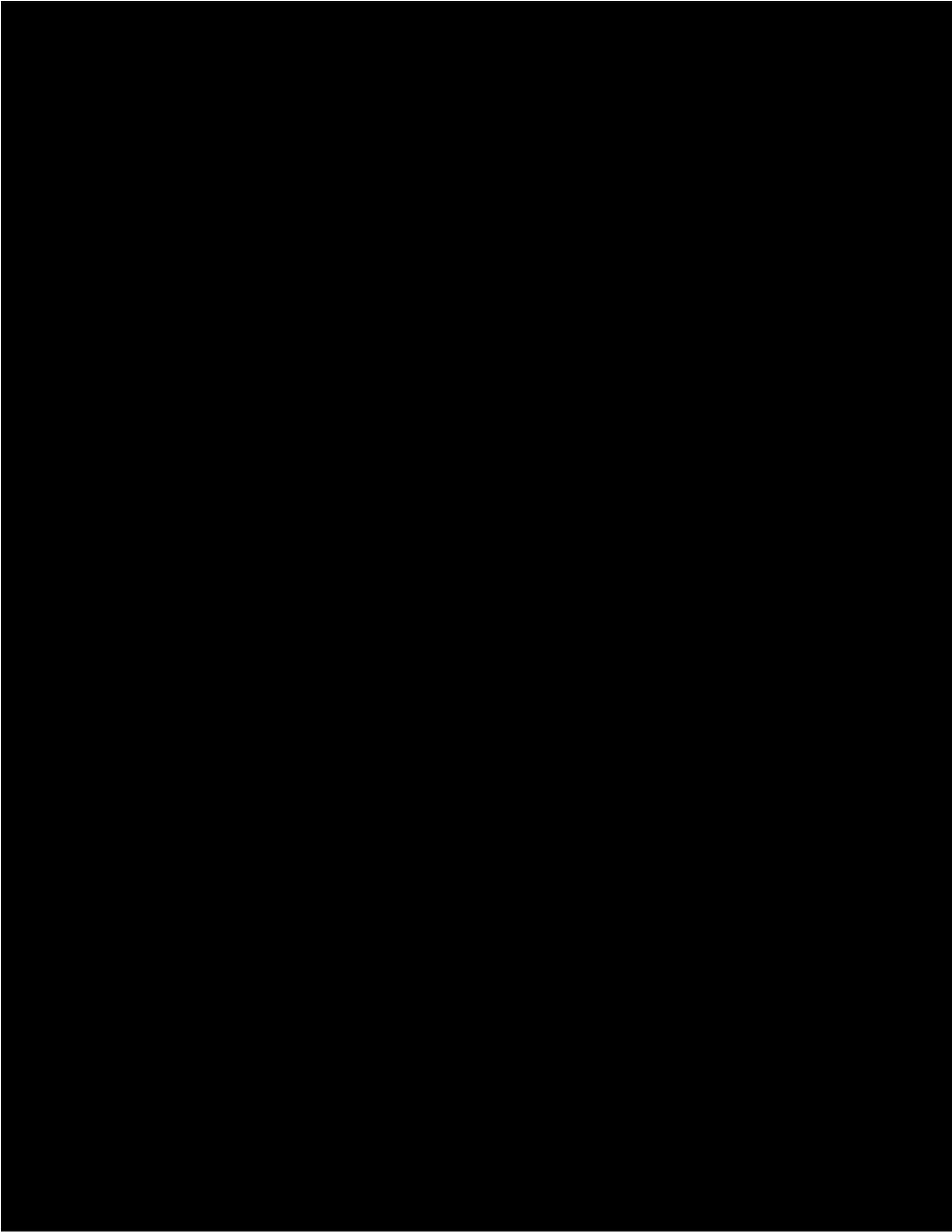


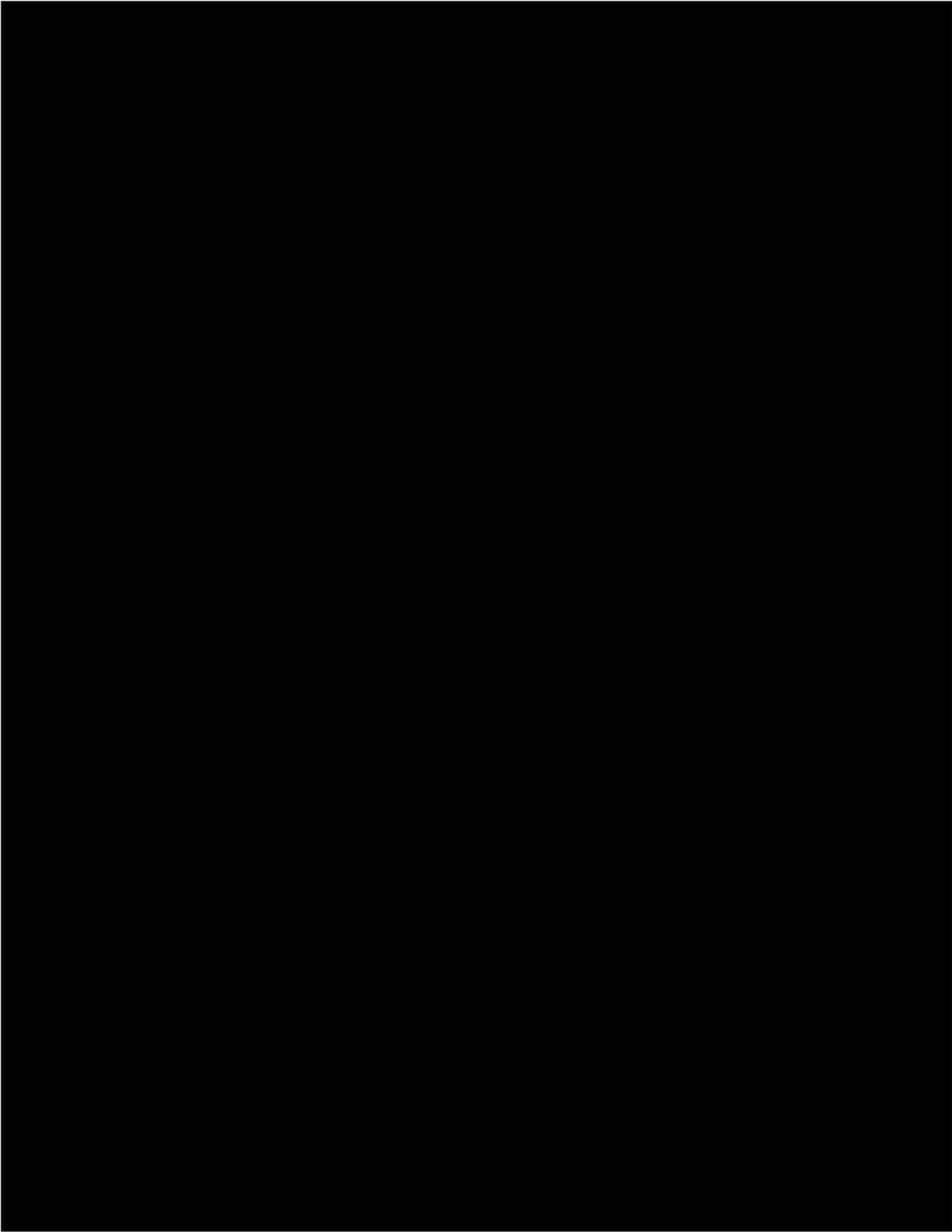


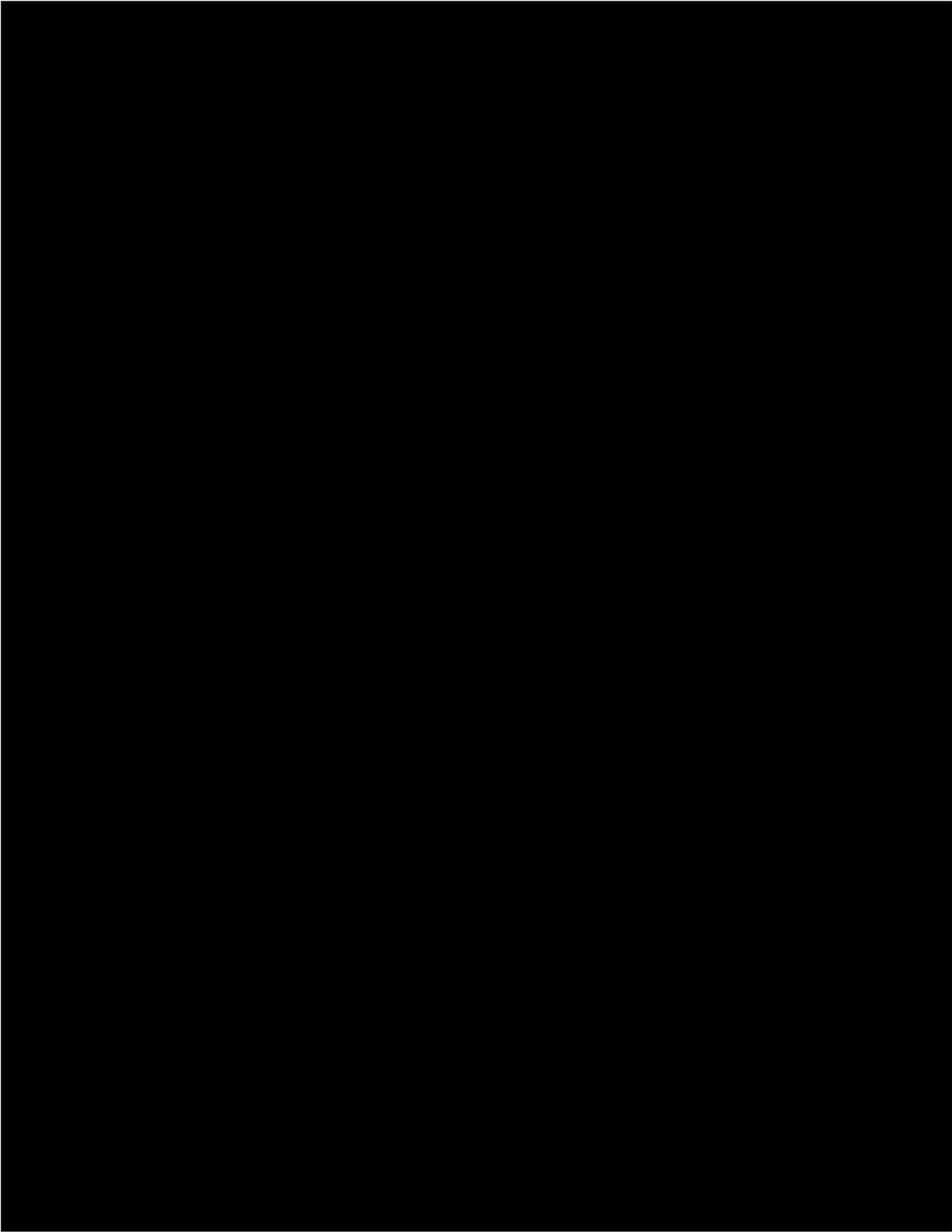


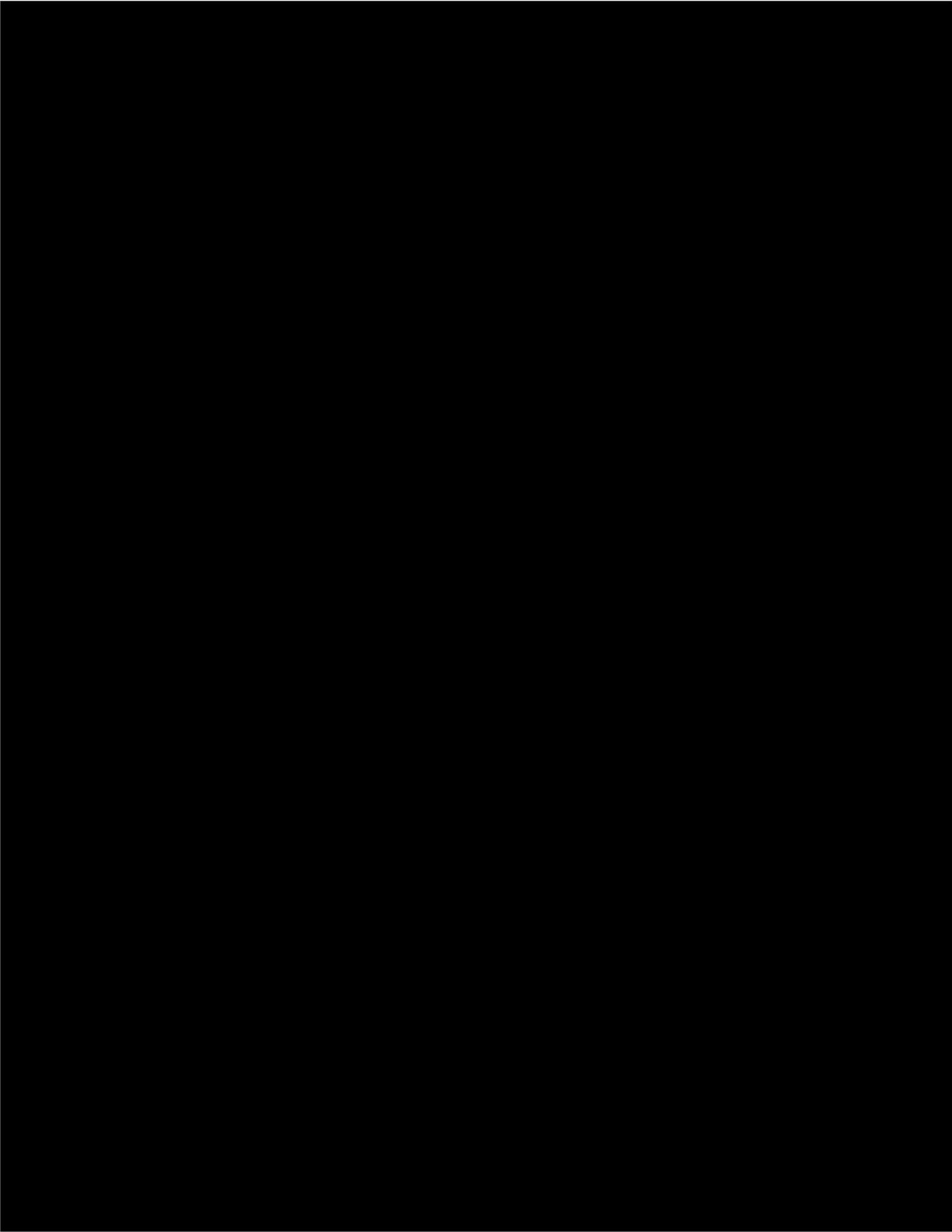


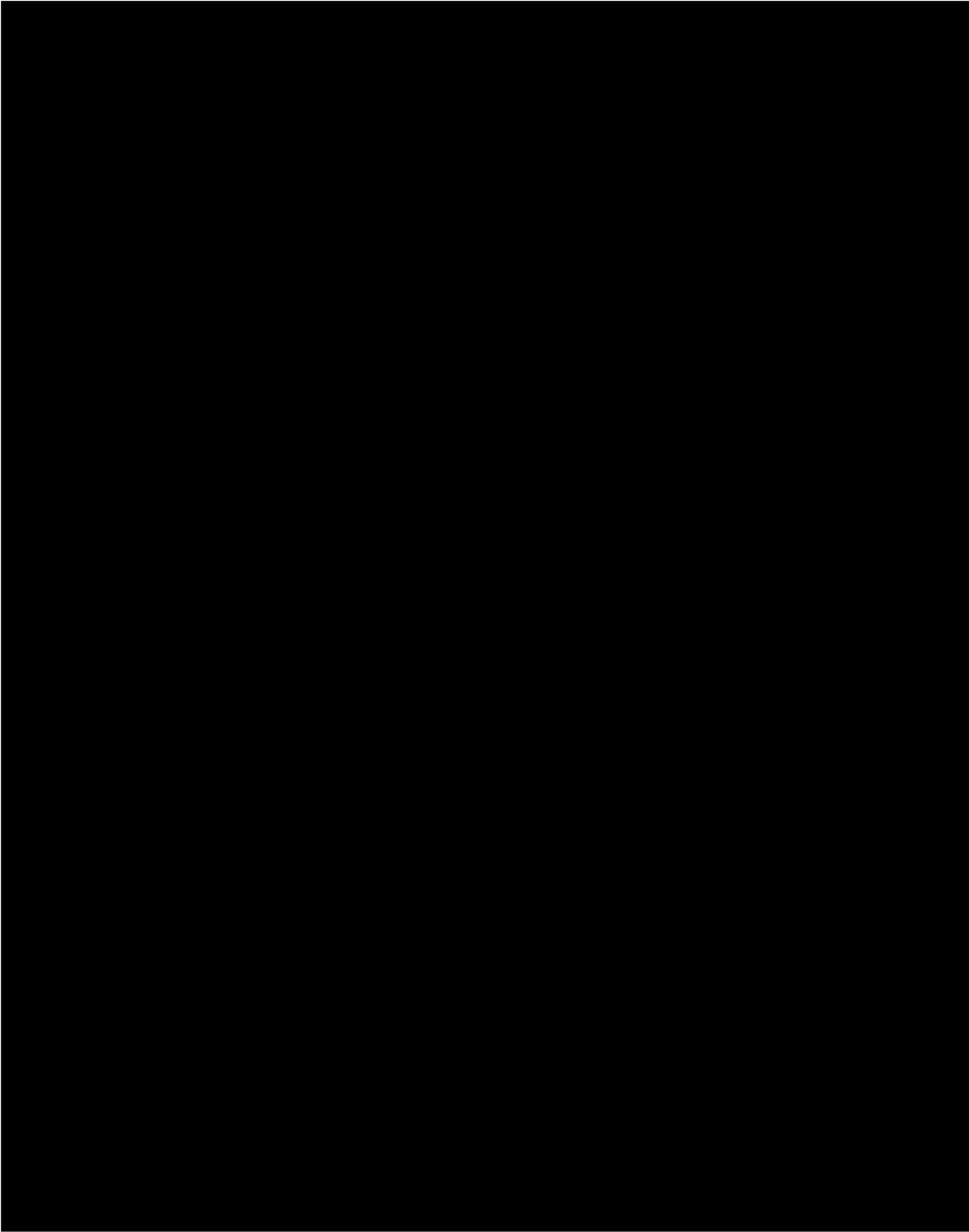


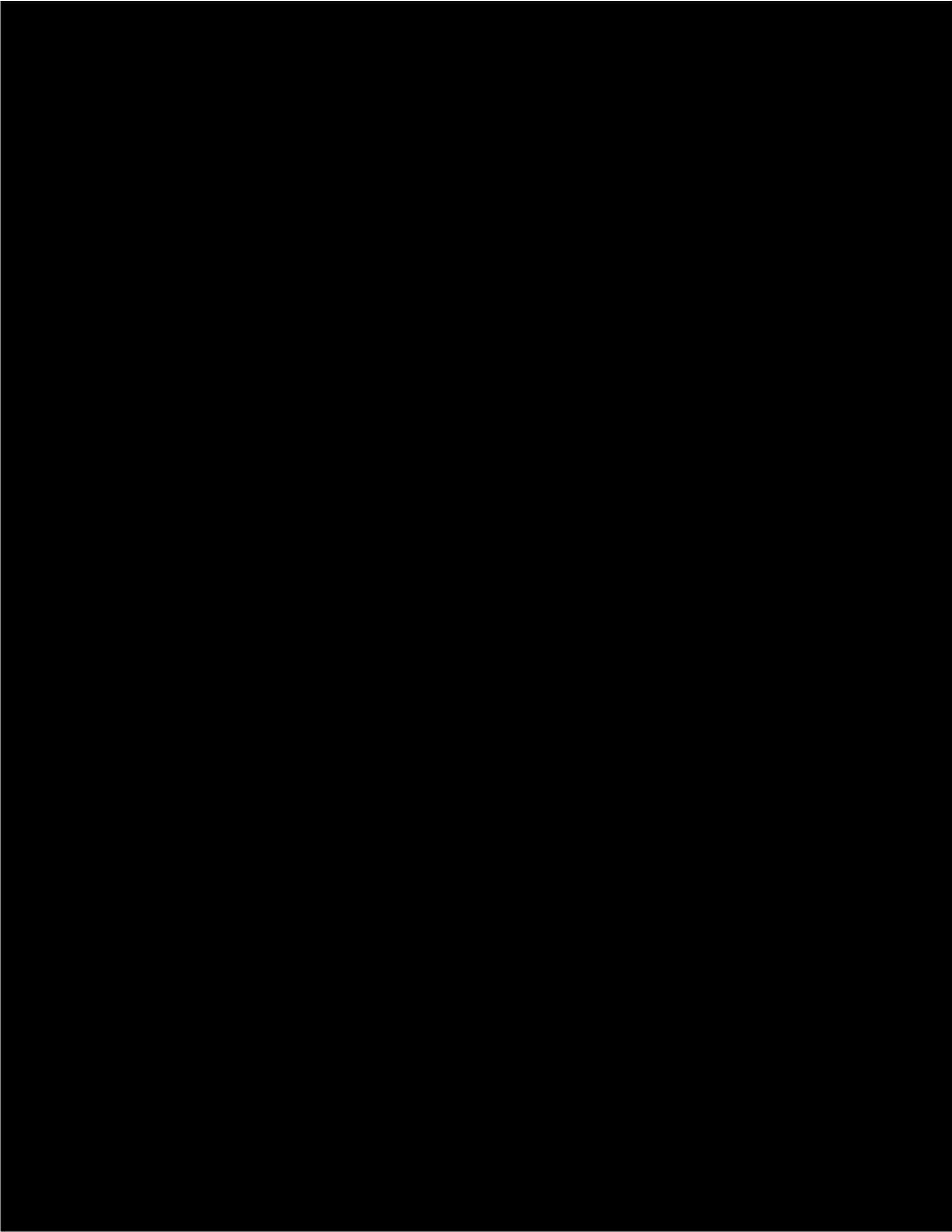


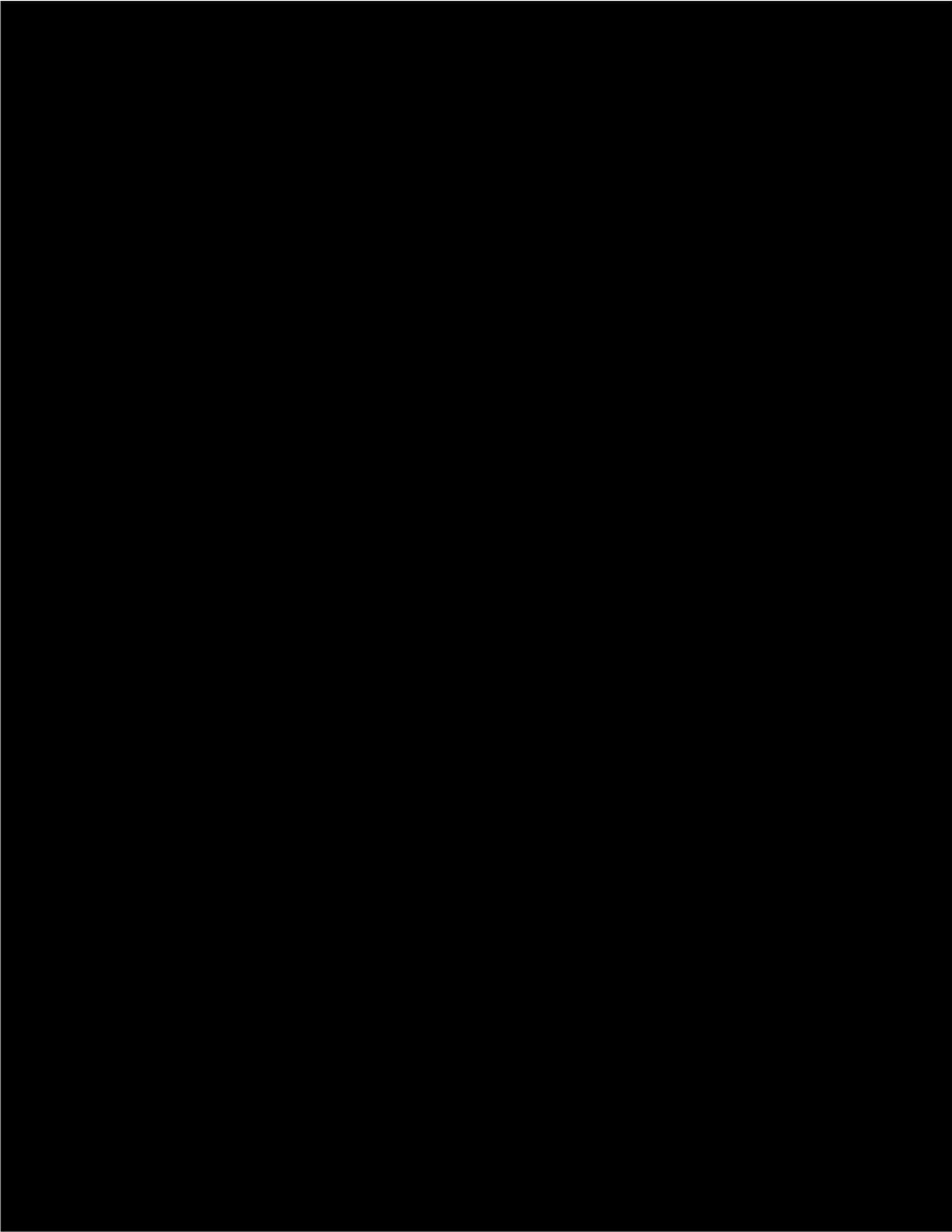


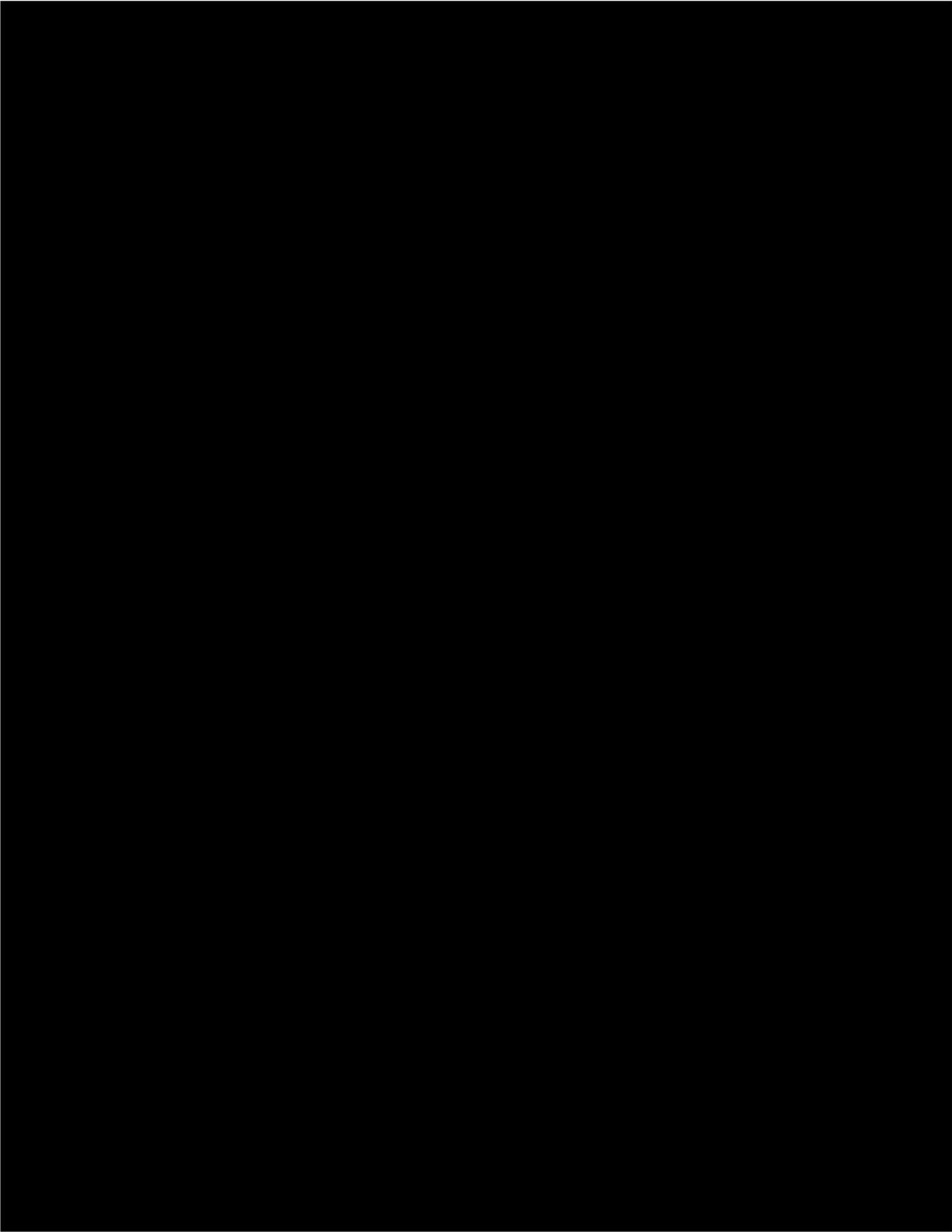


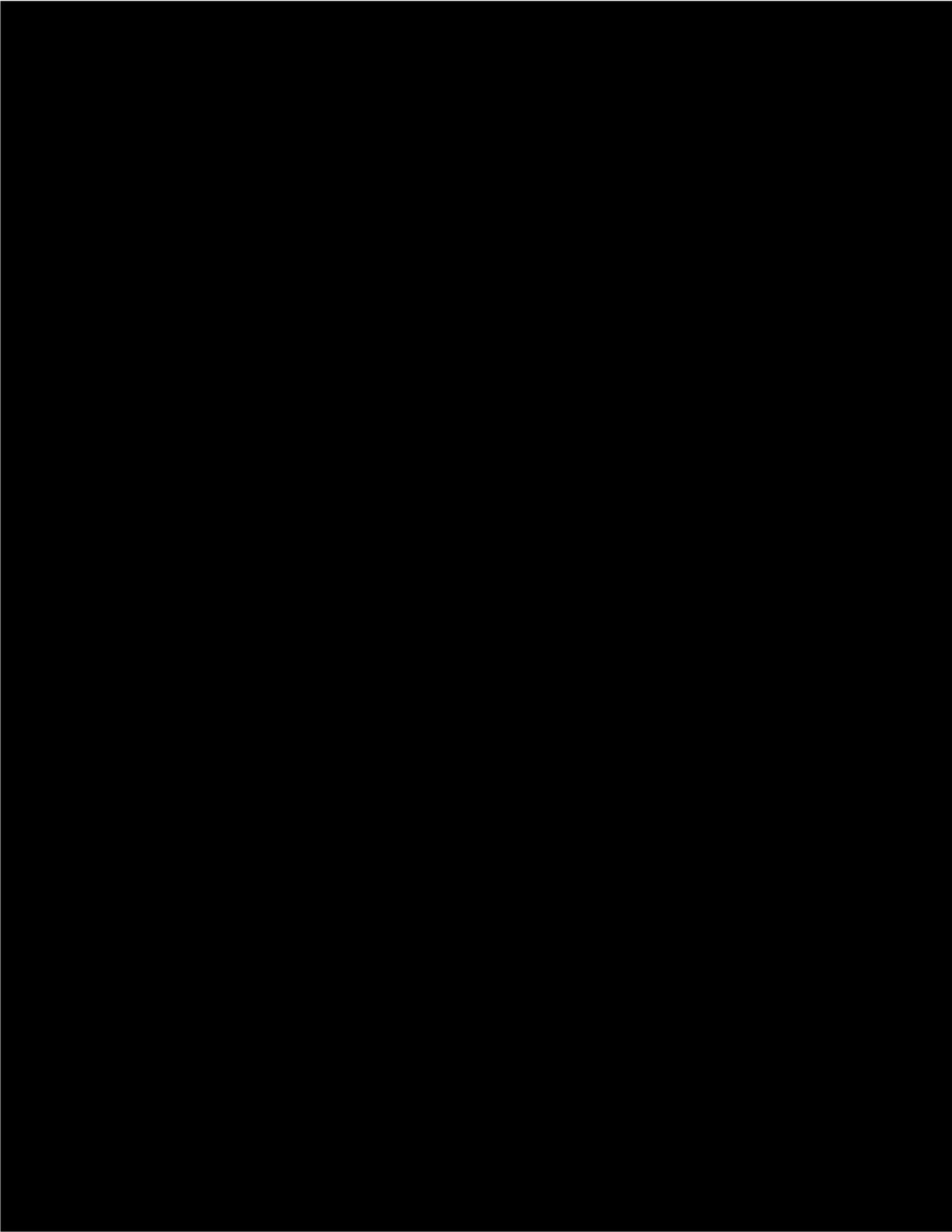


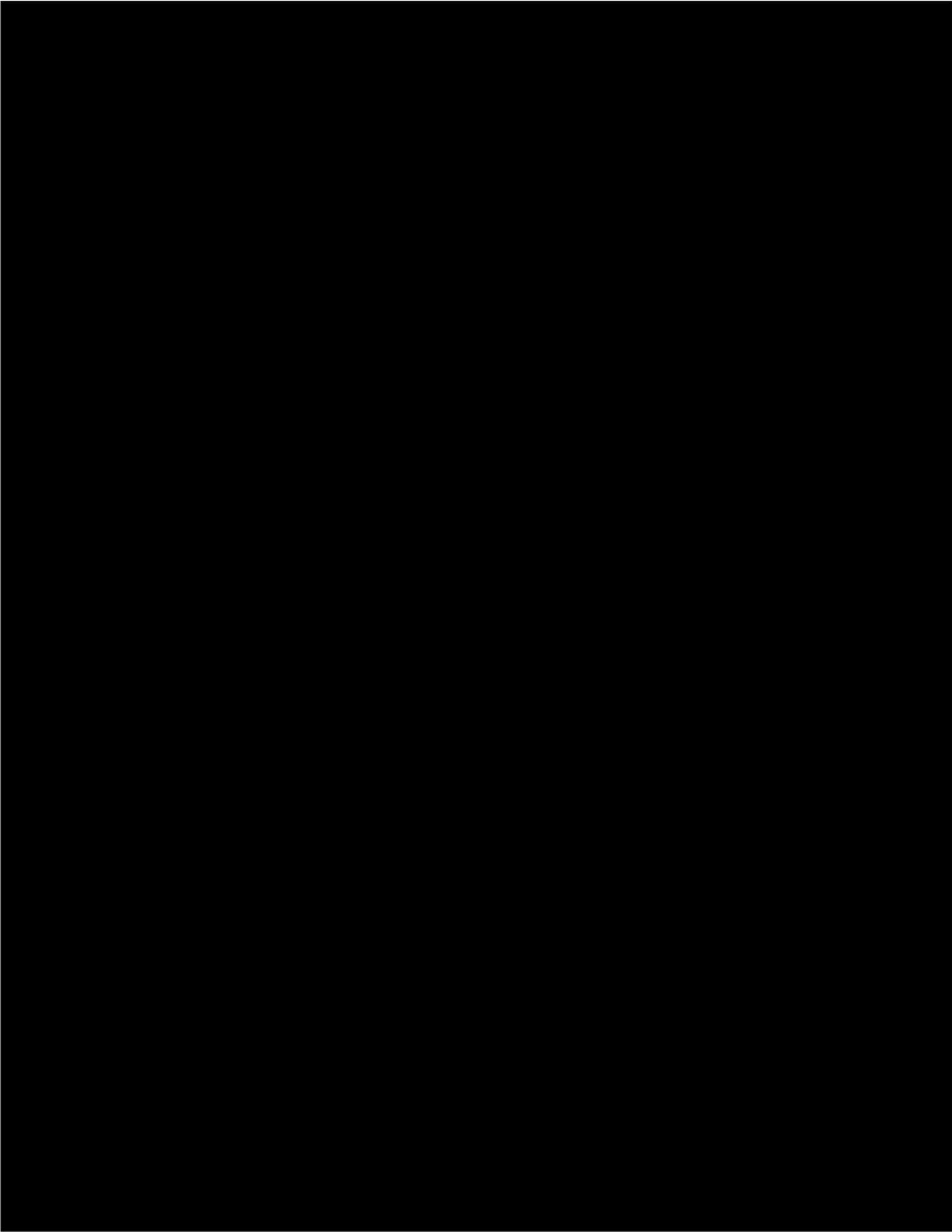


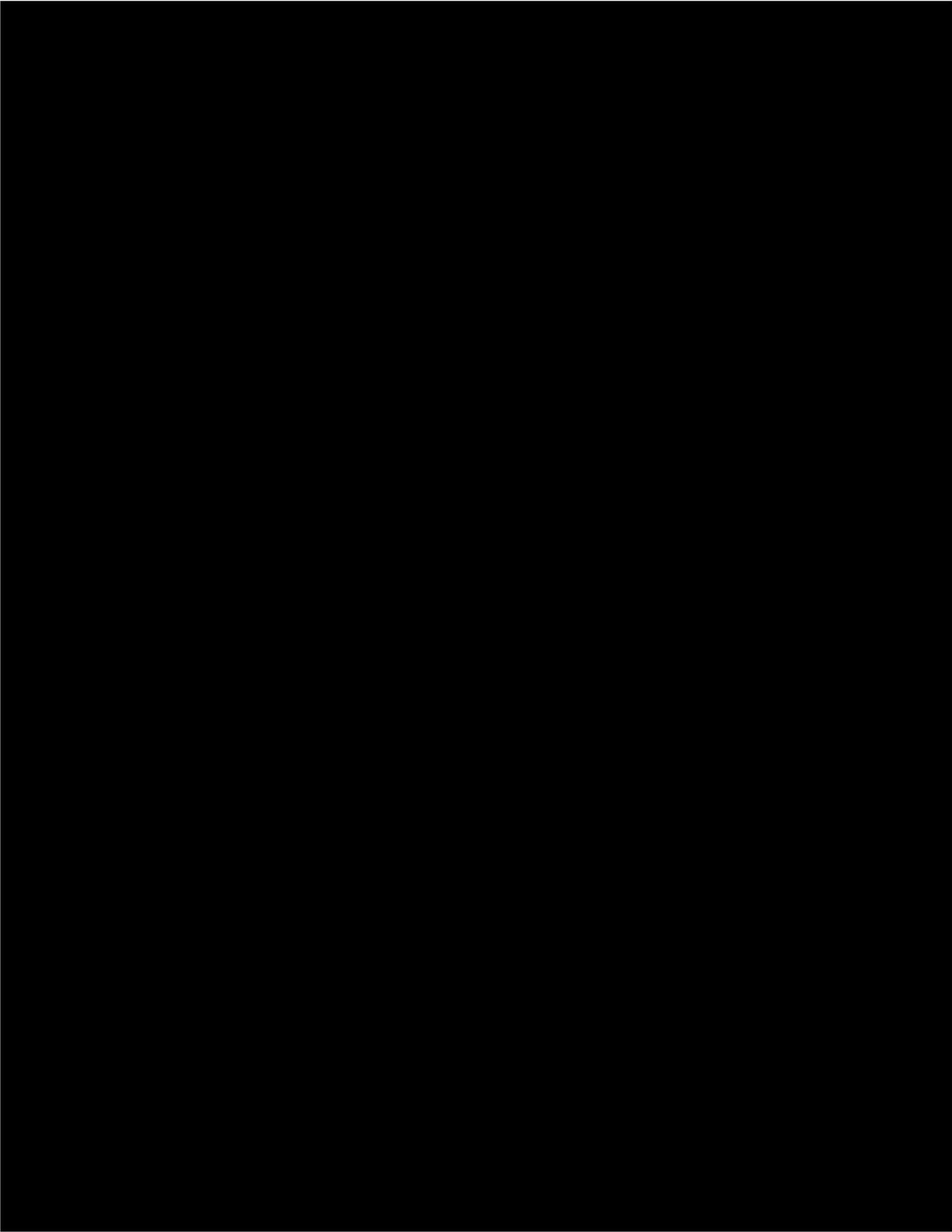


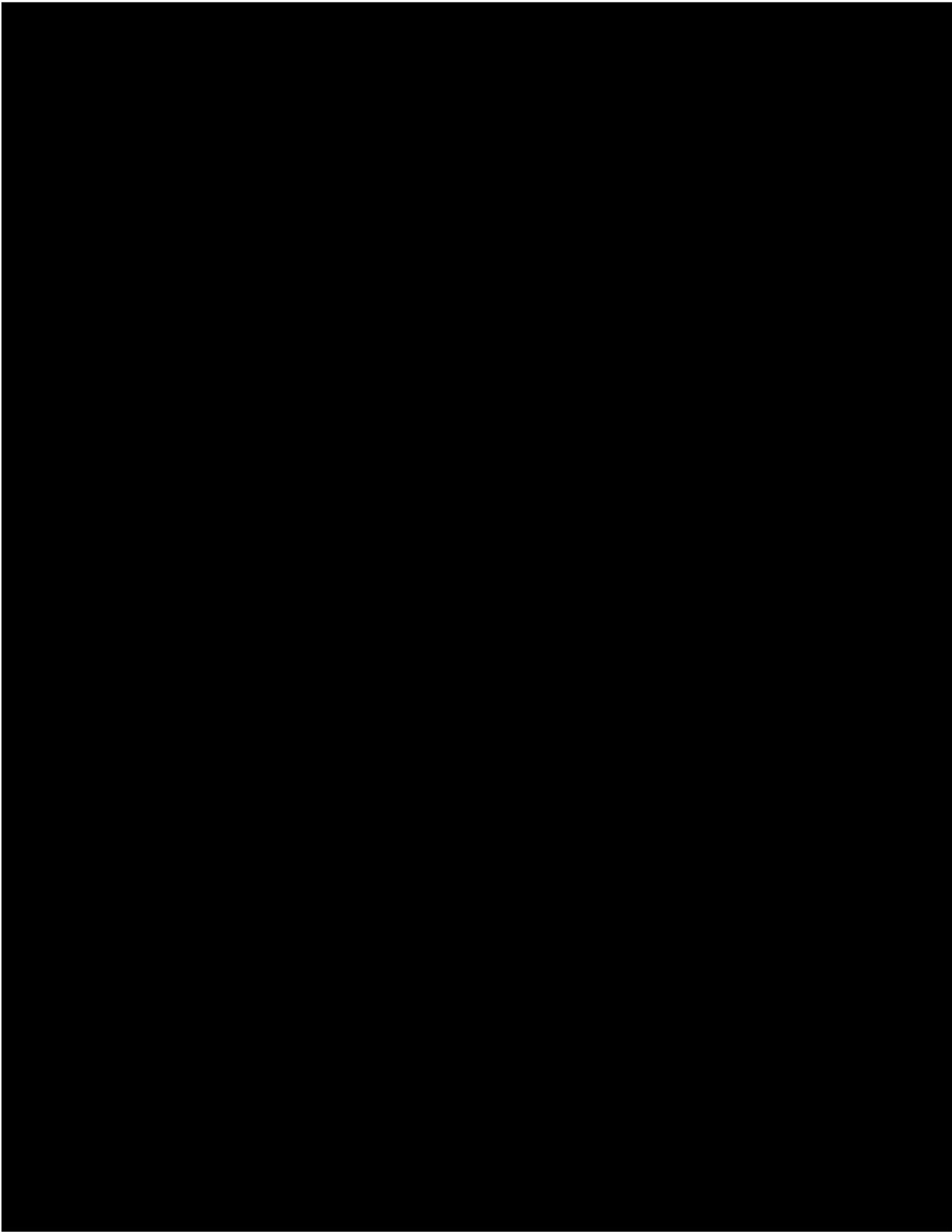


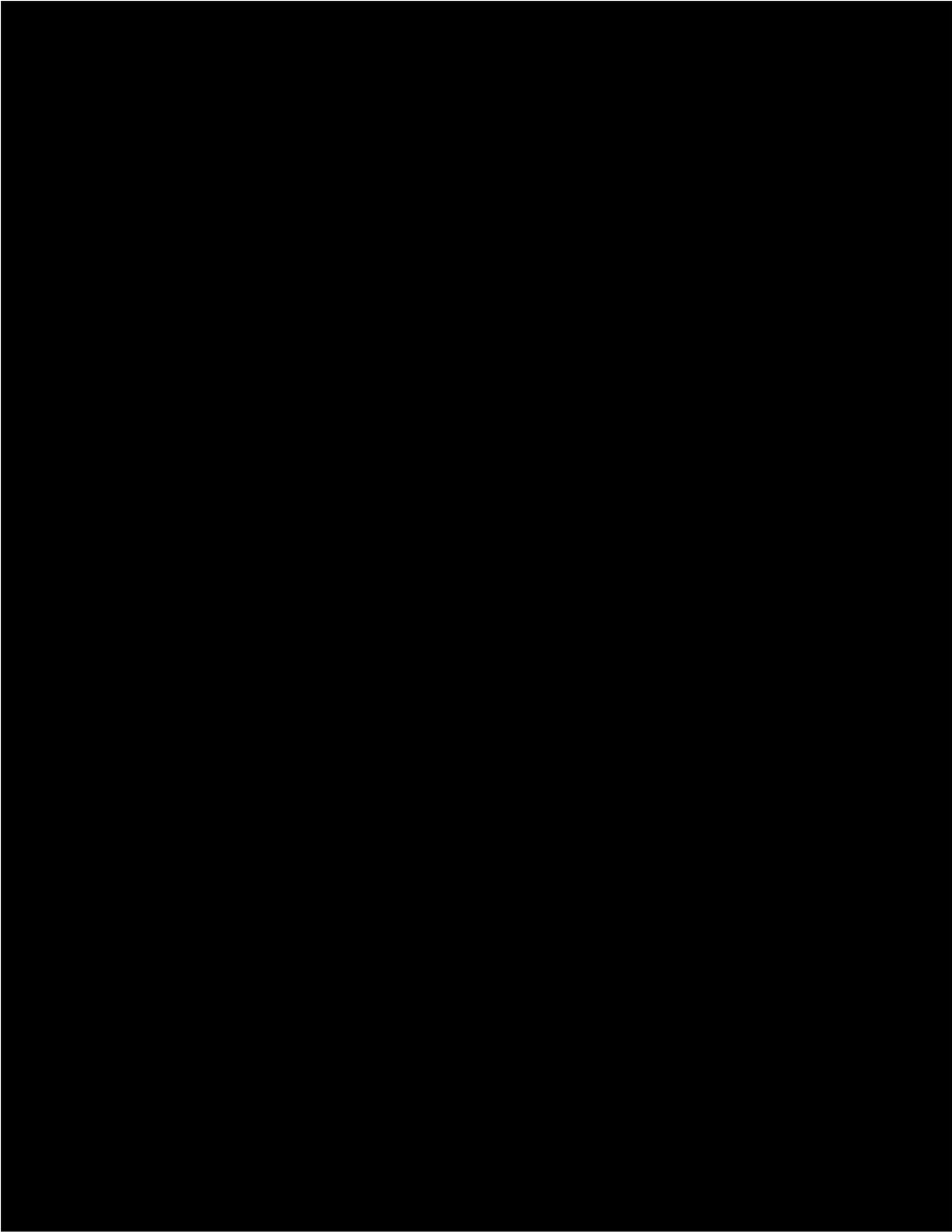


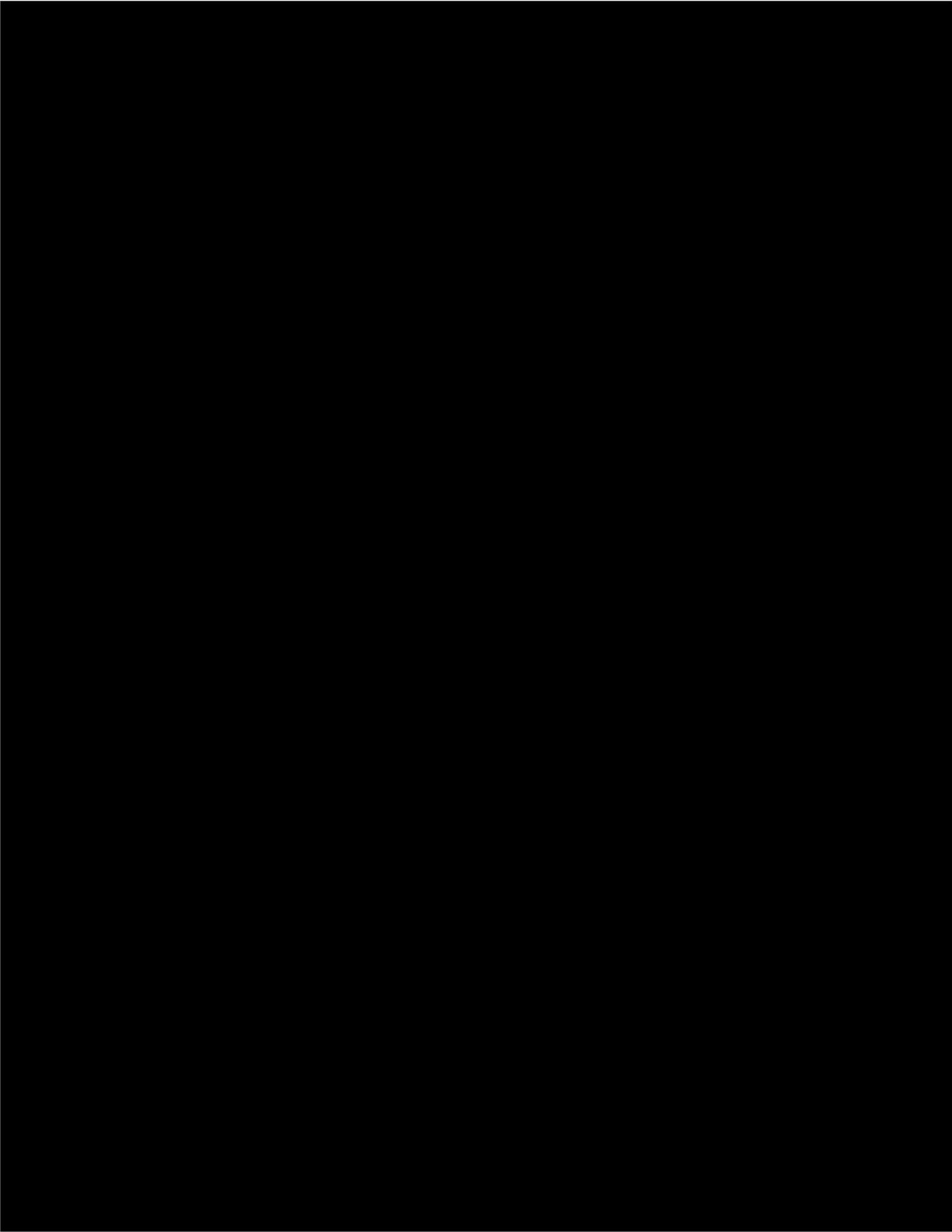


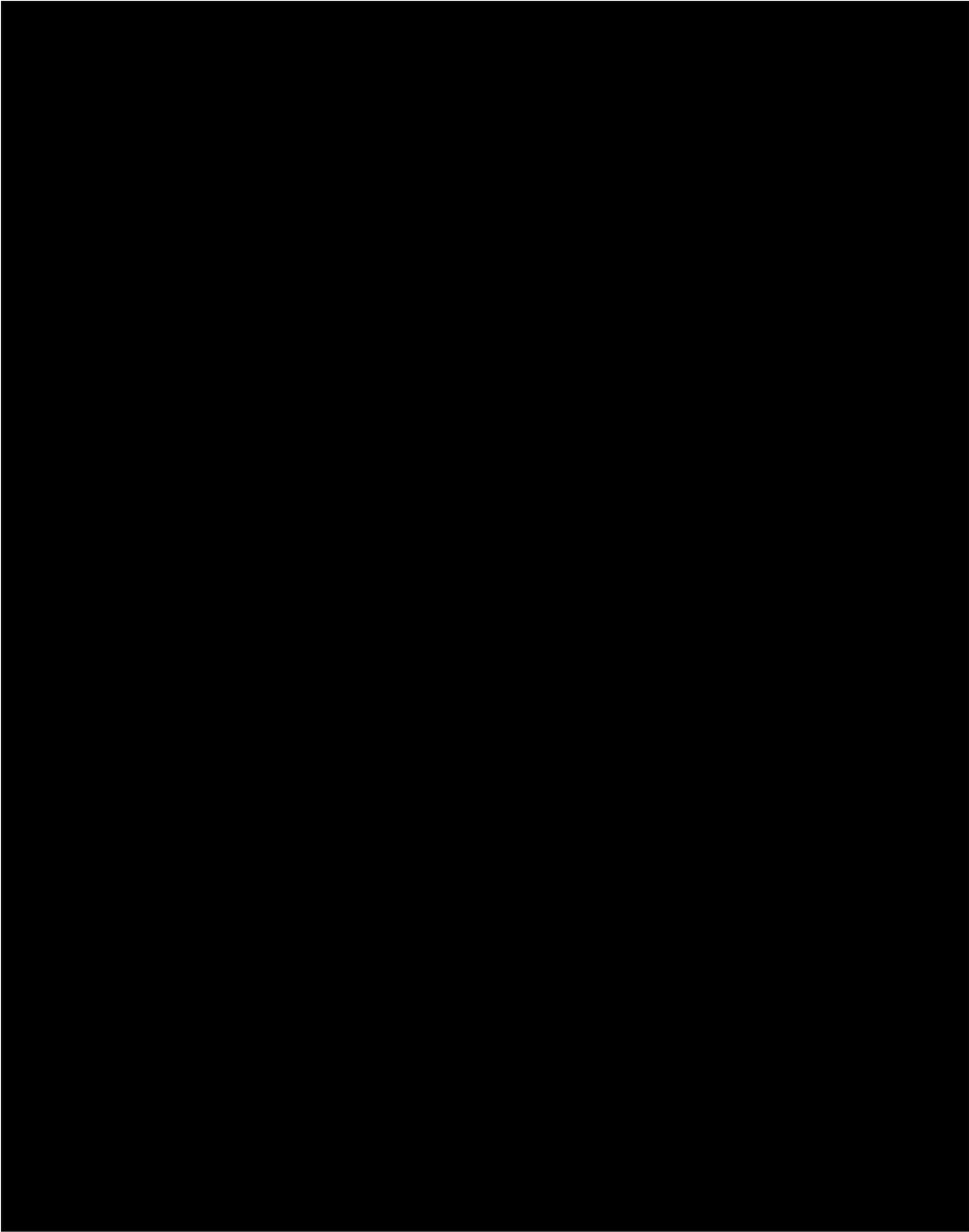


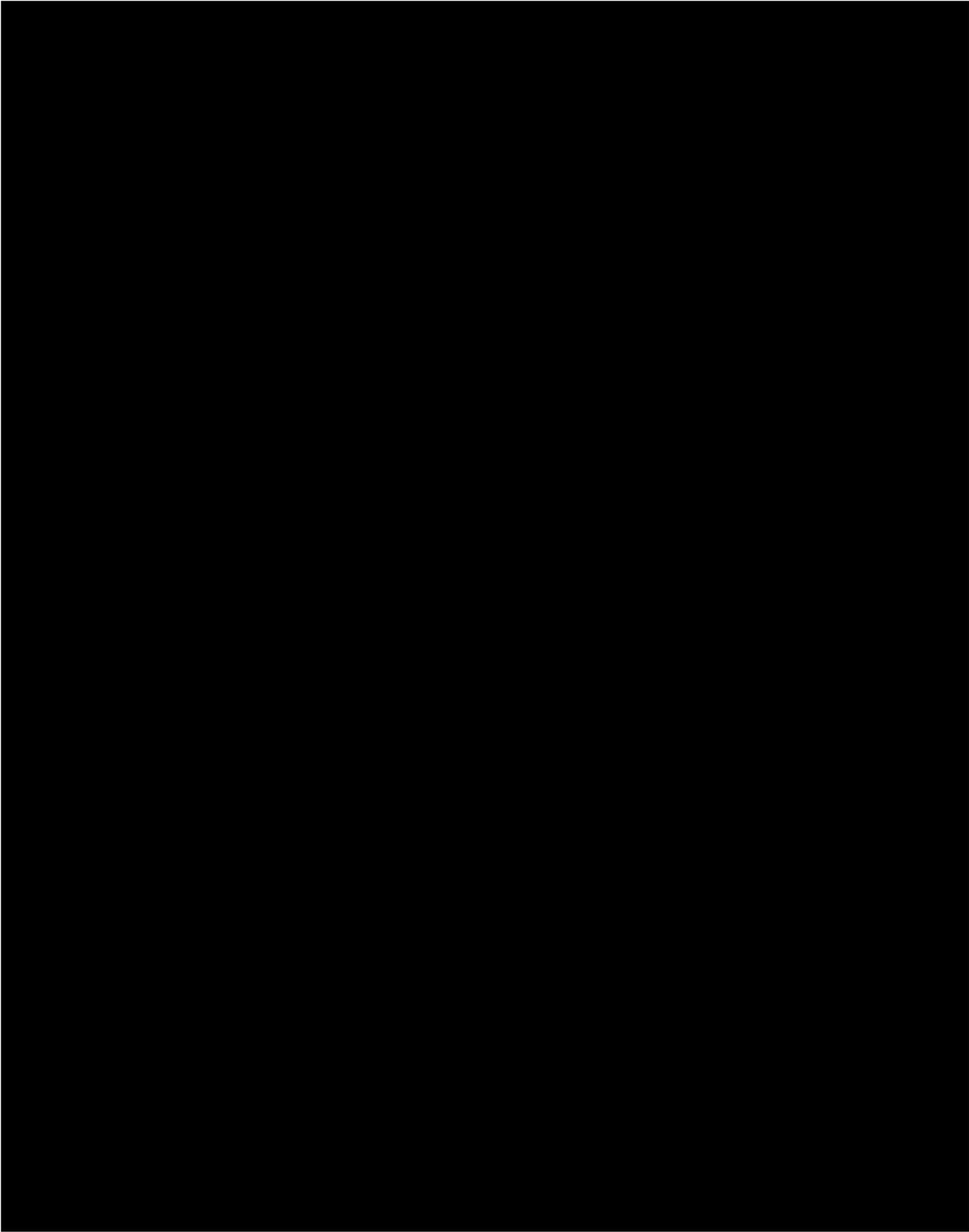












Stanley B. Cain Accident Reconstructionist, LLC

P.O. Box 836, Waldron, AR 72958



INVESTIGATION REPORT

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

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

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

ITEMS RECEIVED

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

BACKGROUND INFORMATION

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

Location: Arkansas State Highway 22, Paris, Arkansas.

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

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

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

SCENE INSPECTION

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

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

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

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

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

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

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

For more information, refer to the scene diagram.

VEHICLE INSPECTIONS

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

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

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

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

ANALYSIS AND CALCULATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESULTS AND CONCLUSIONS

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

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

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

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

By: *Stanley B. Cain*

ACTAR #1686

Stanley B. Cain Accident
Reconstructionist, LLC



COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

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

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

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

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

$$f = 0.1799$$

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

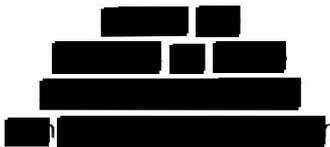
Formula Results:

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:

Formula Results:

- 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

The Acceleration/Drag Factor is: 0.1994

Calculation Notes:

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

Stanley B. Cain Accident
Reconstructionist, LLC



COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

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

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

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

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

$$f = 0.4908$$

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

Formula Inputs:

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

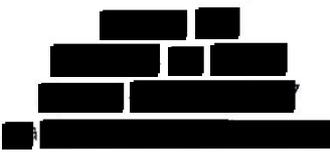
Formula Results:

The Acceleration/Drag Factor is: 0.4908

Calculation Notes:

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

Stanley B. Cain Accident
Reconstructionist, LLC



COEFFICIENT OF FRICTION

Find a Coefficient of Friction.

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

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

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

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

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

$$f = 0.5723$$

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

Formula Inputs:

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

Formula Results:

The Acceleration/Drag Factor is: 0.5723

Calculation Notes:

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

Stanley B. Cain Accident
Reconstructionist, LLC



MINIMUM SPEED W/ KNOWN DRAG FACTOR

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

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

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

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

$$S = \sqrt{782.6280}$$

$$S = 27.9754$$

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

Formula Inputs:

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

Formula Results:

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

Calculation Notes:

Post impact speed range for vehicle 1 (WILKERSON).

Incrementation Results

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

Stanley B. Cain Accident
Reconstructionist, LLC



MINIMUM SPEED W/ KNOWN DRAG FACTOR

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

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

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

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

$$S = \sqrt{1017.9000}$$

$$S = 31.9045$$

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

Formula Inputs:

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

Formula Results:

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

Calculation Notes:

Post impact speed range for vehicle 2 (ASHCRAFT).

Incrementation Results

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

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

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

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

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

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

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

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

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

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

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

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

Formula Inputs:

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

Formula Results:

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

Calculation Notes:

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

Incrementation Results

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

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

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

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

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

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

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

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

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

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

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

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

Formula Inputs:

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

Formula Results:

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

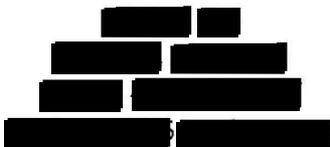
Calculation Notes:

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

Incrementation Results

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

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

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

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

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

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

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

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

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

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

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

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

Formula Inputs:

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

Formula Results:

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

Calculation Notes:

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

Incrementation Results

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

Stanley B. Cain Accident
Reconstructionist, LLC



COLLINEAR MOMENTUM

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

CASE NUMBER: Jackson Law Firm: Jacqueline Ashcraft

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

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

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

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

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

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

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

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

Formula Inputs:

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

Formula Results:

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

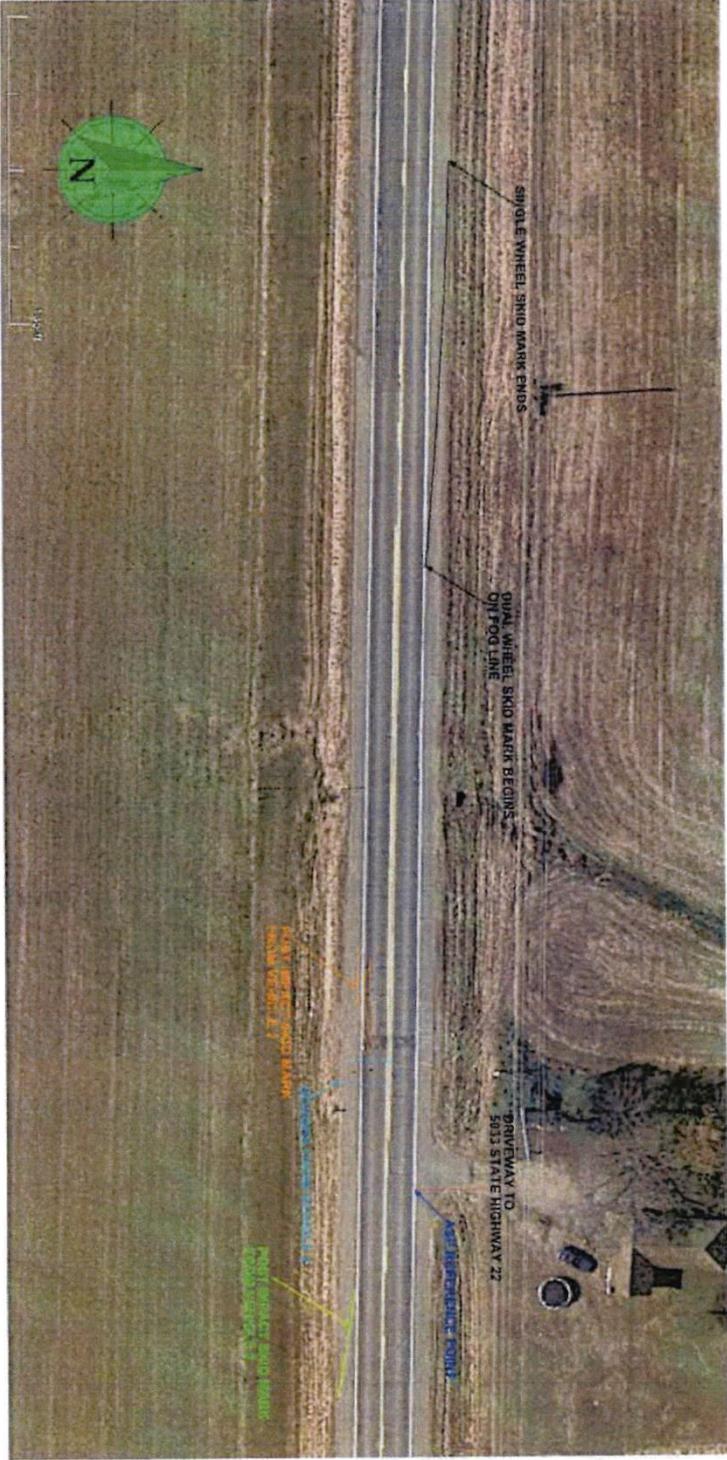
Calculation Notes:

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

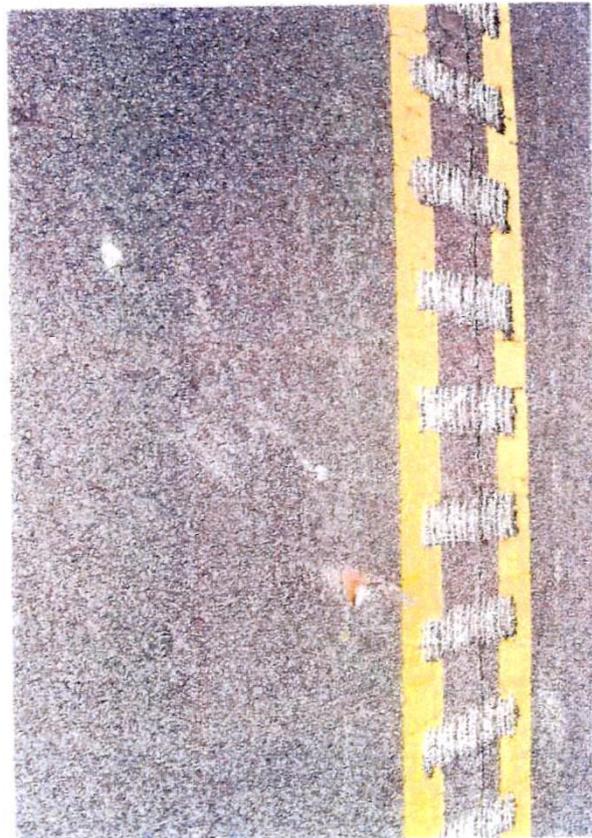
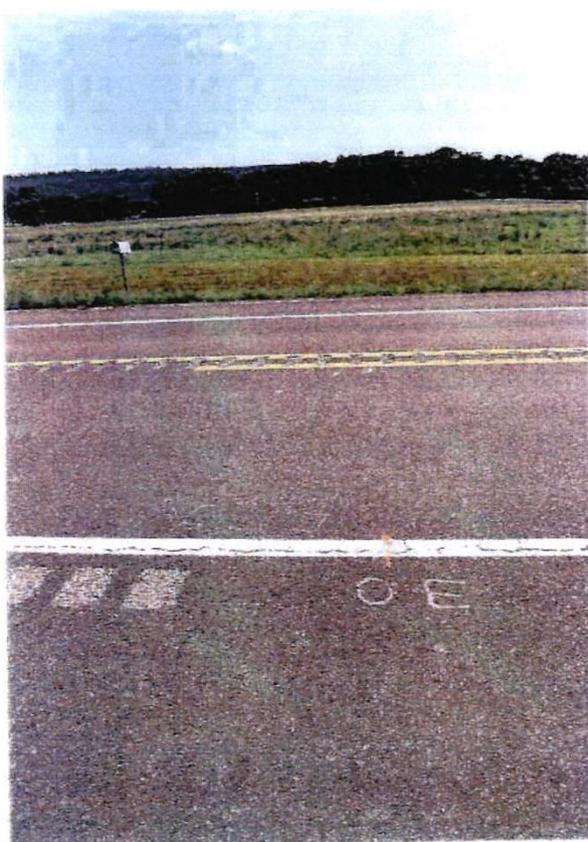
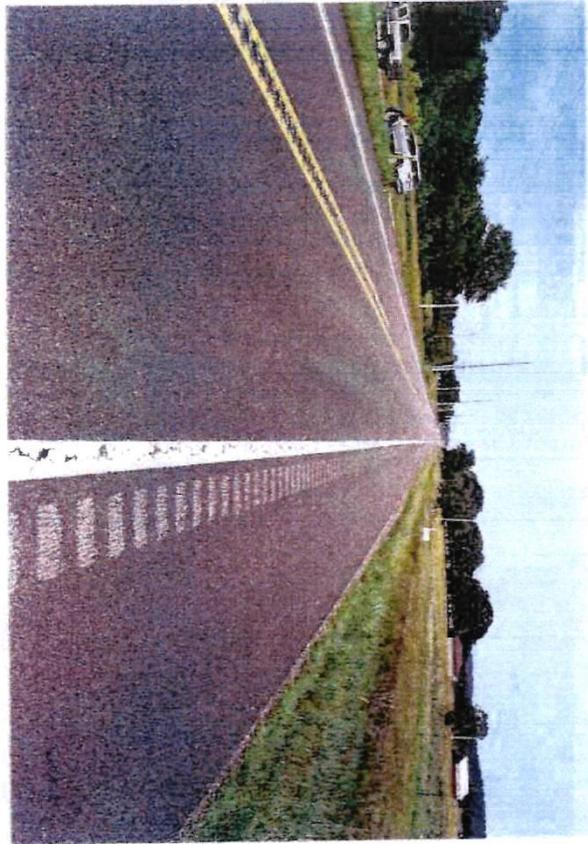
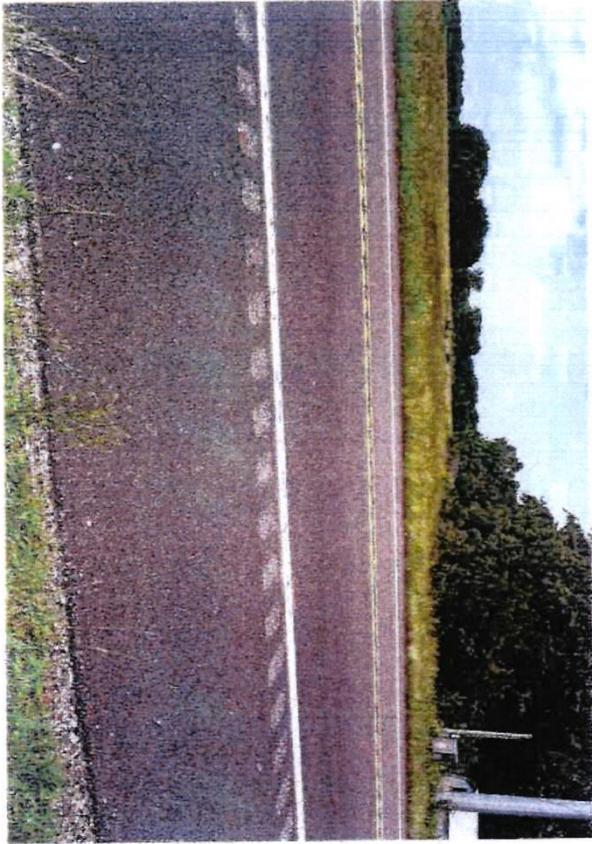
Incrementation Results

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

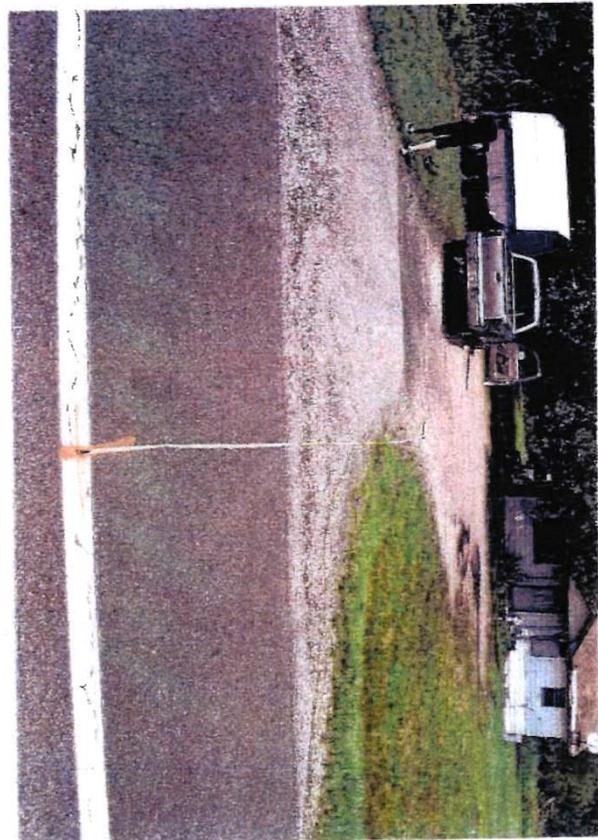
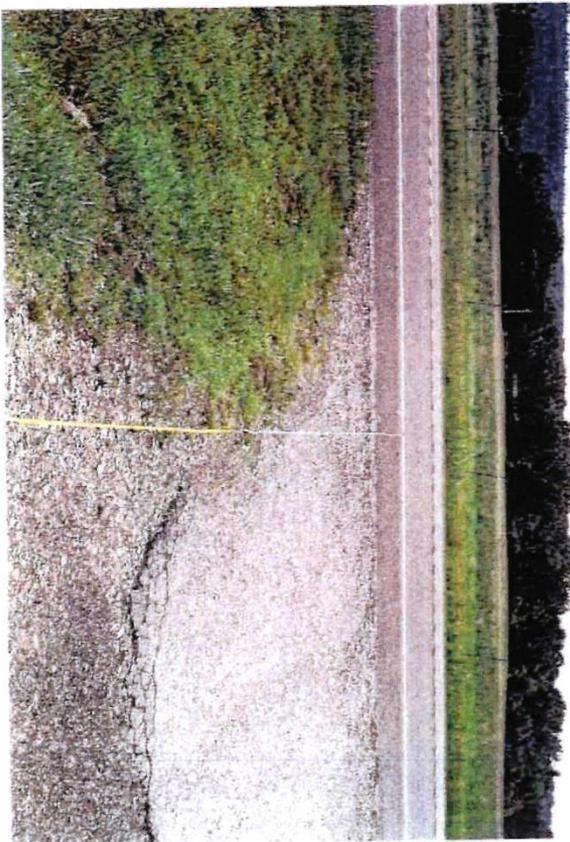
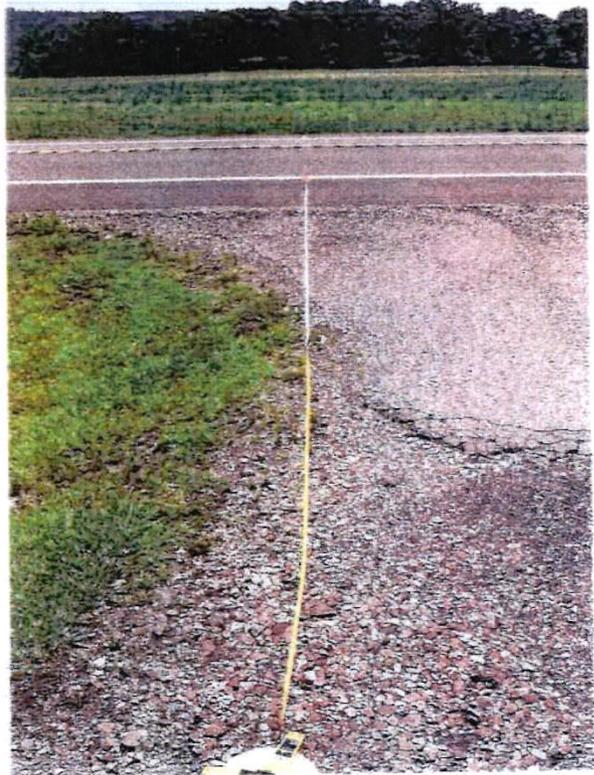
Virtual CRASH license: Stanley B. Cain Accident Reconstructionist



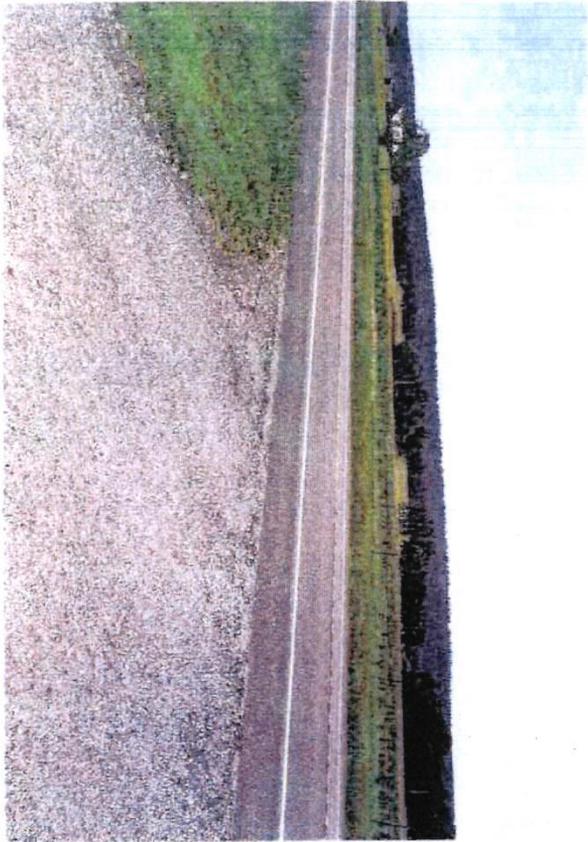
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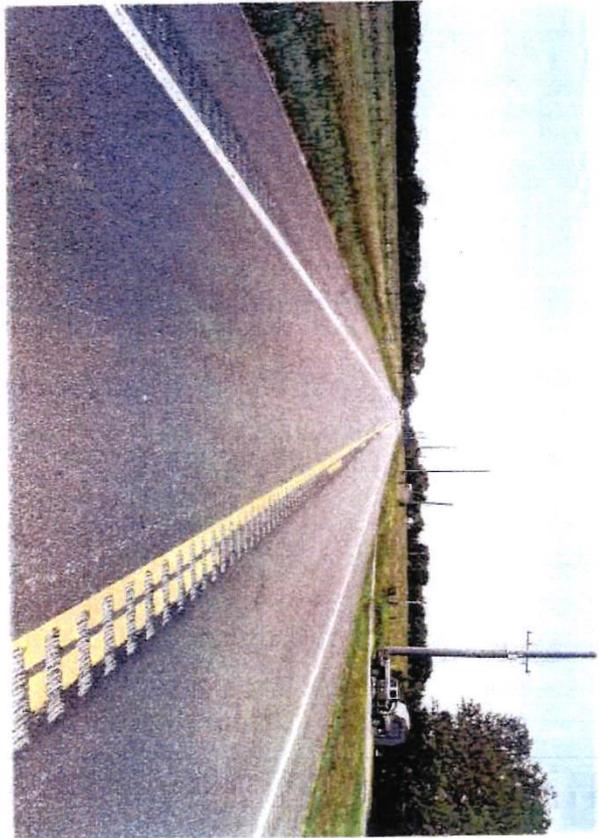
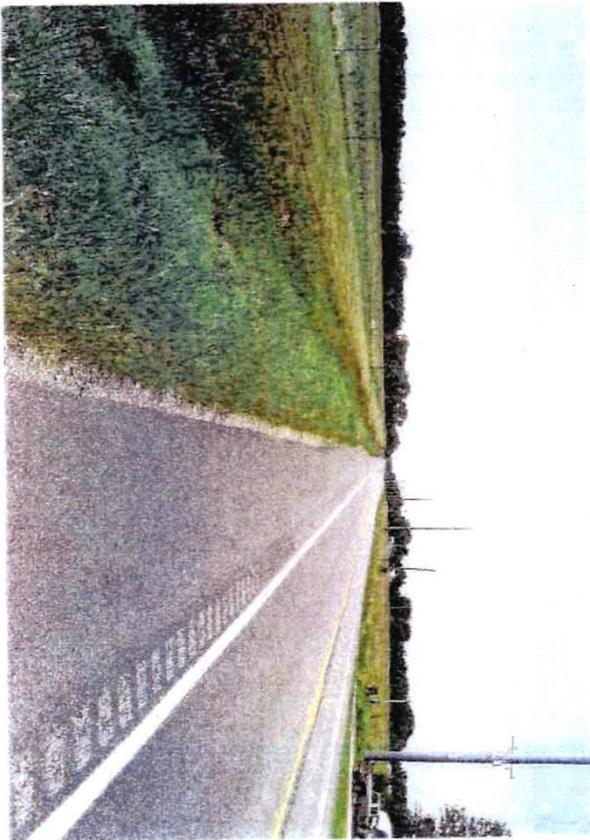
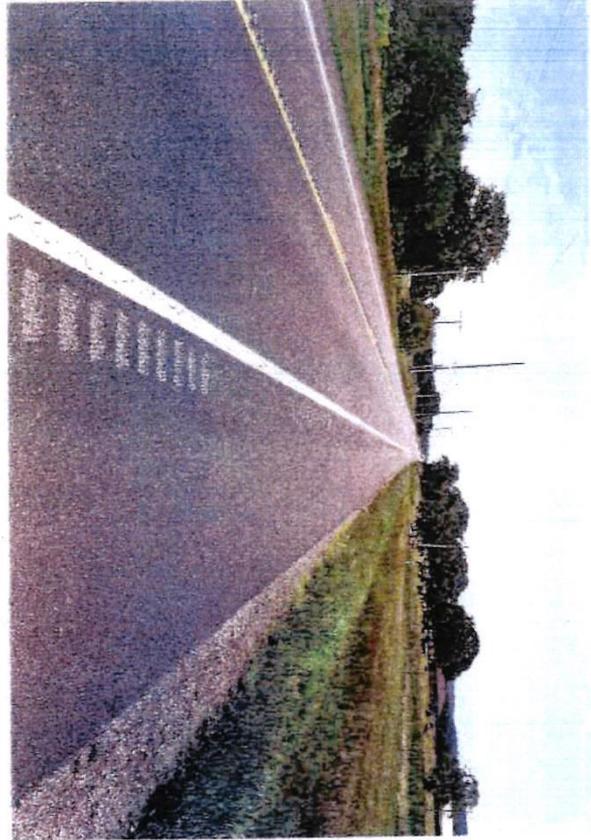


Ashcraft 2nd Supp Response 0587

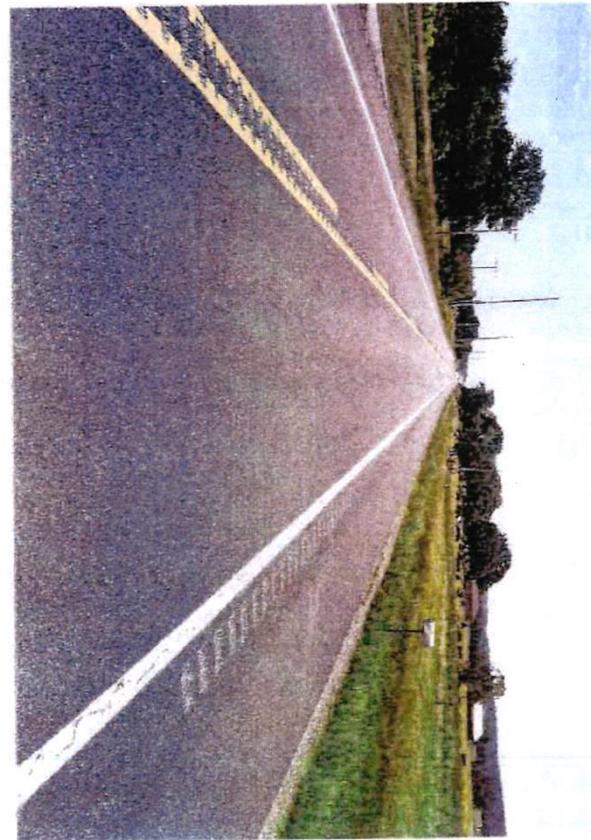
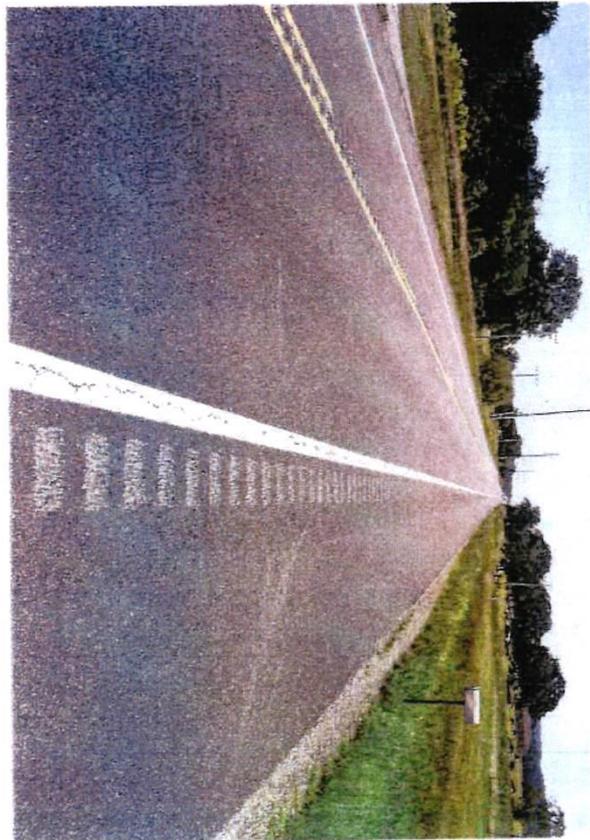
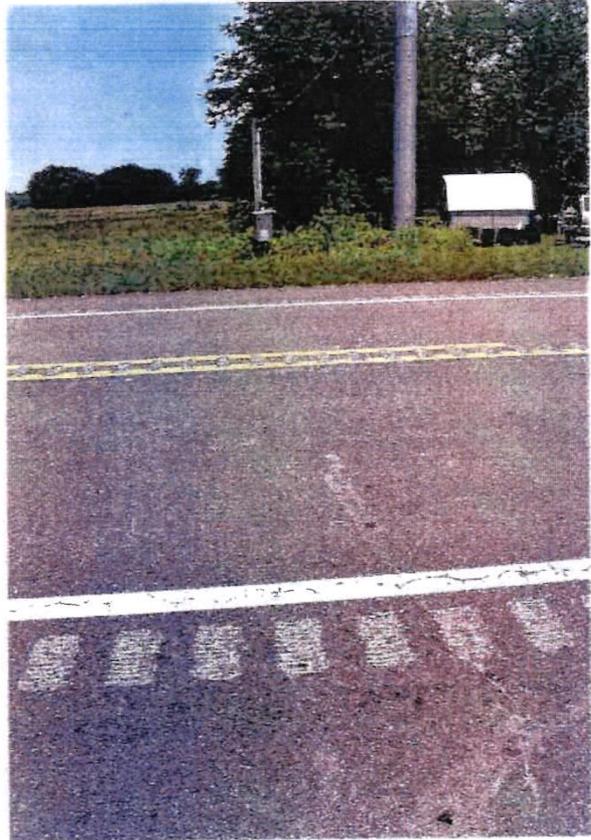
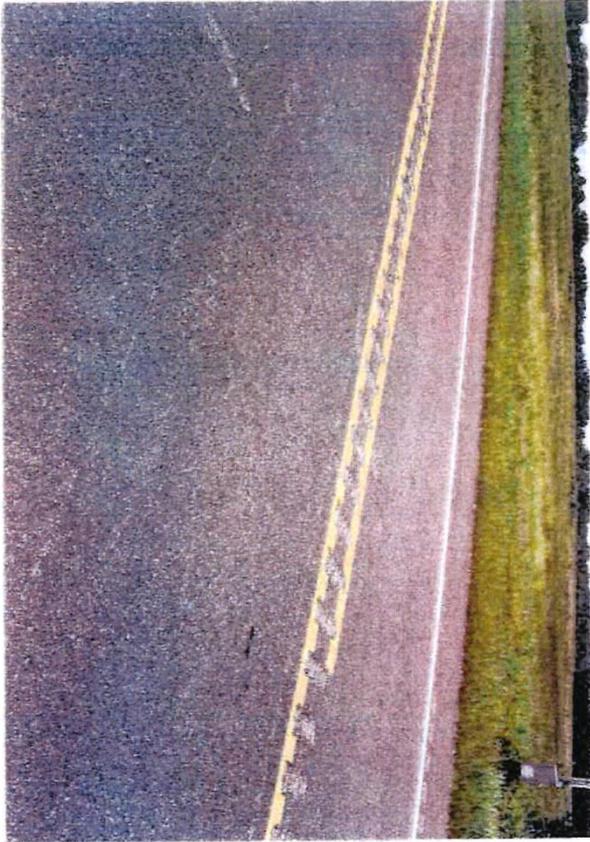


Ashcraft 2nd Supp Response 0588

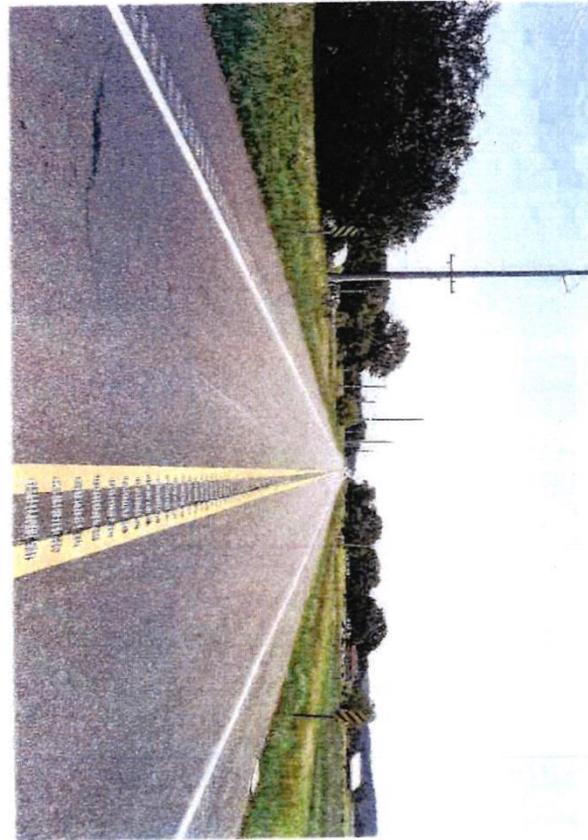
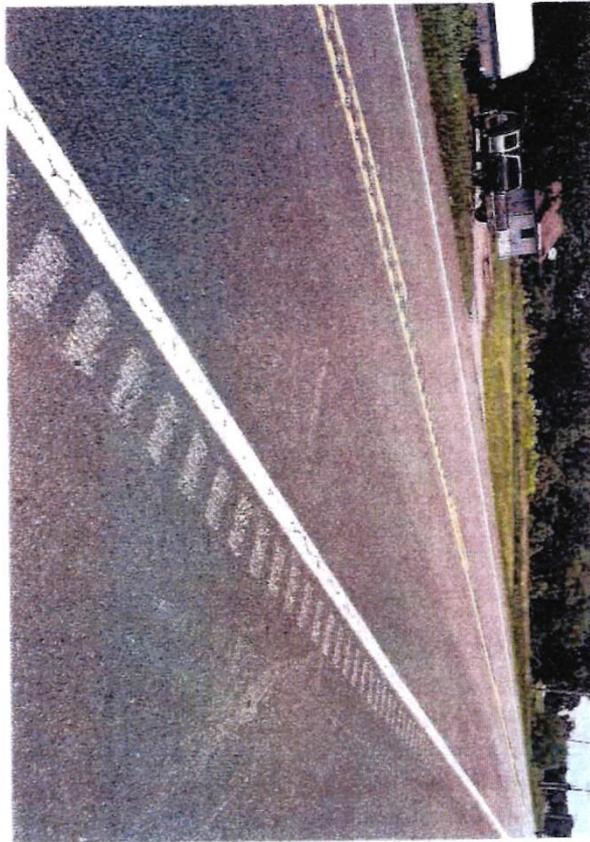
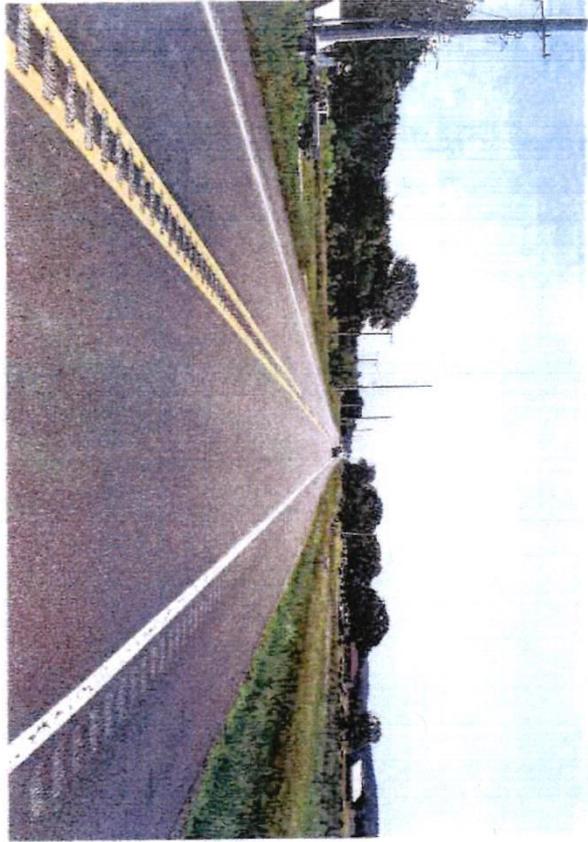
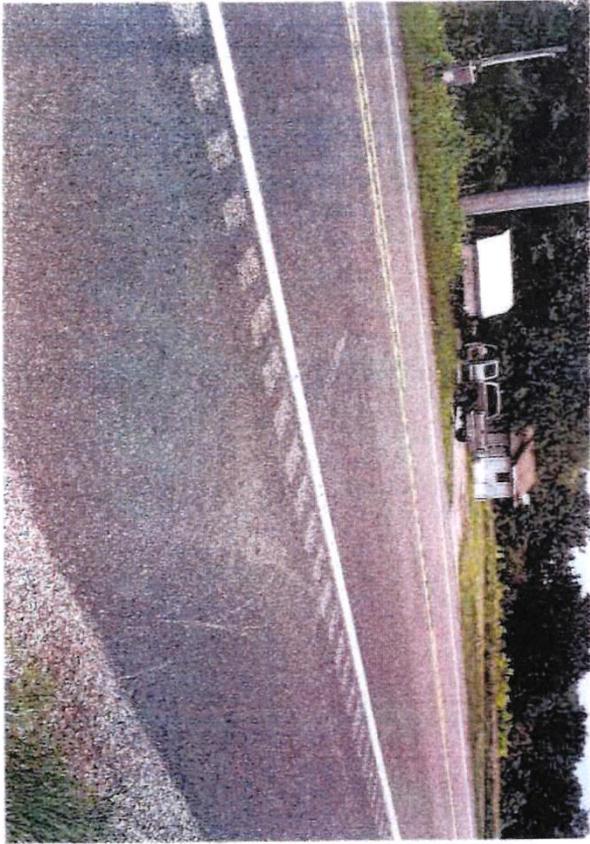


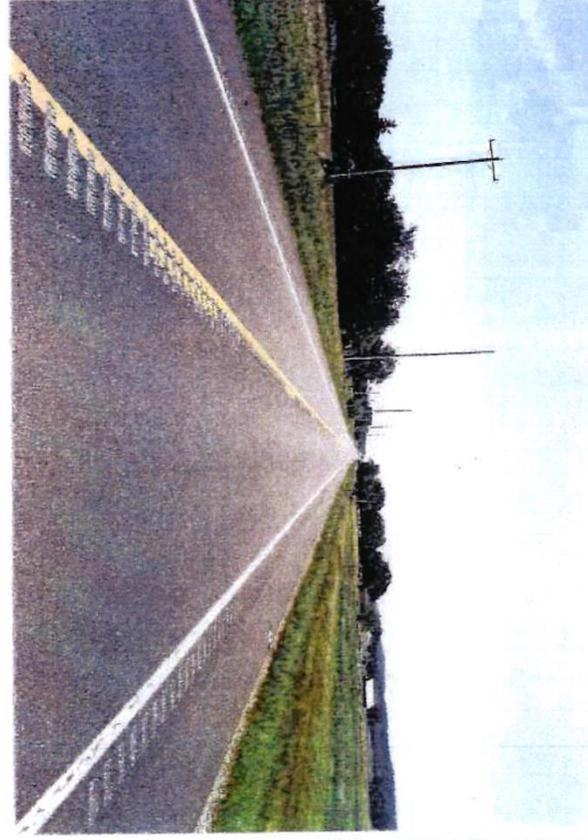
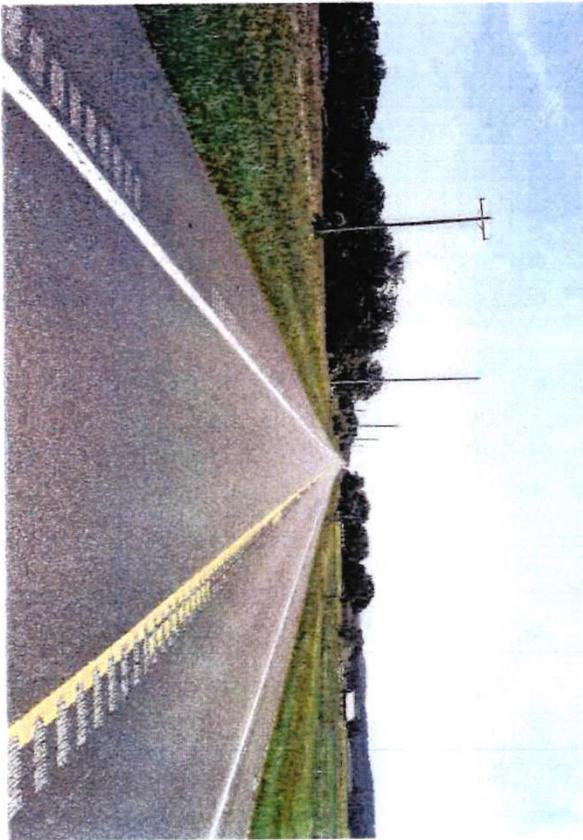
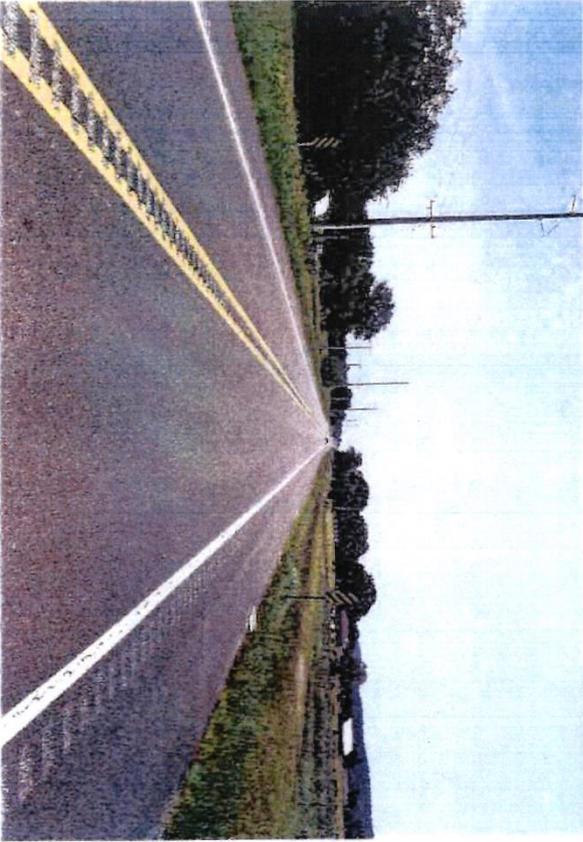


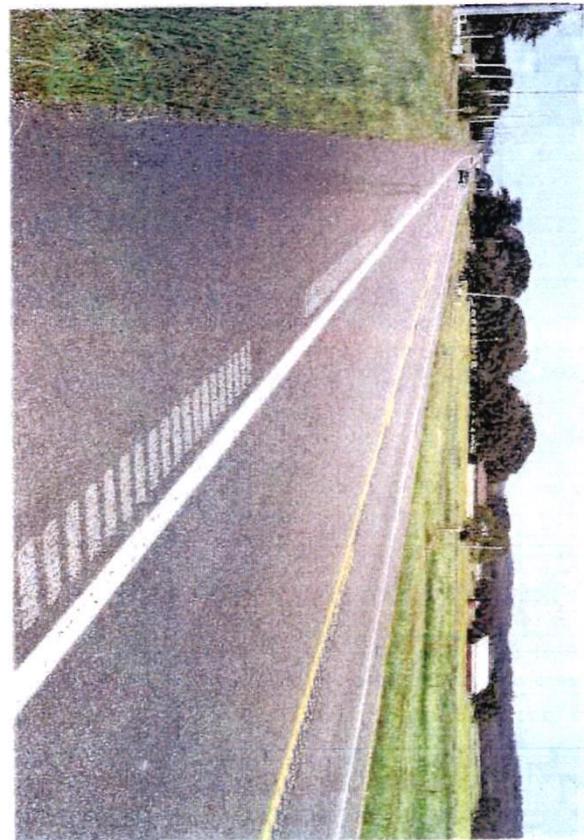
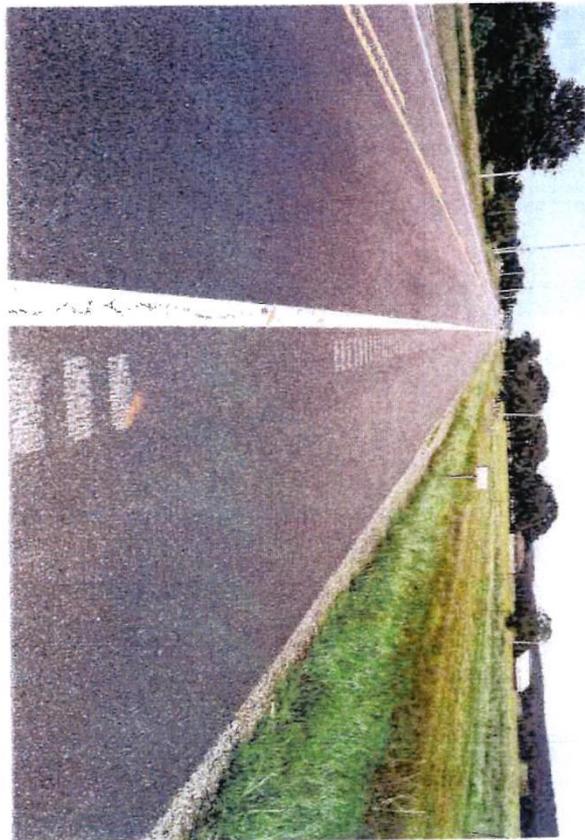
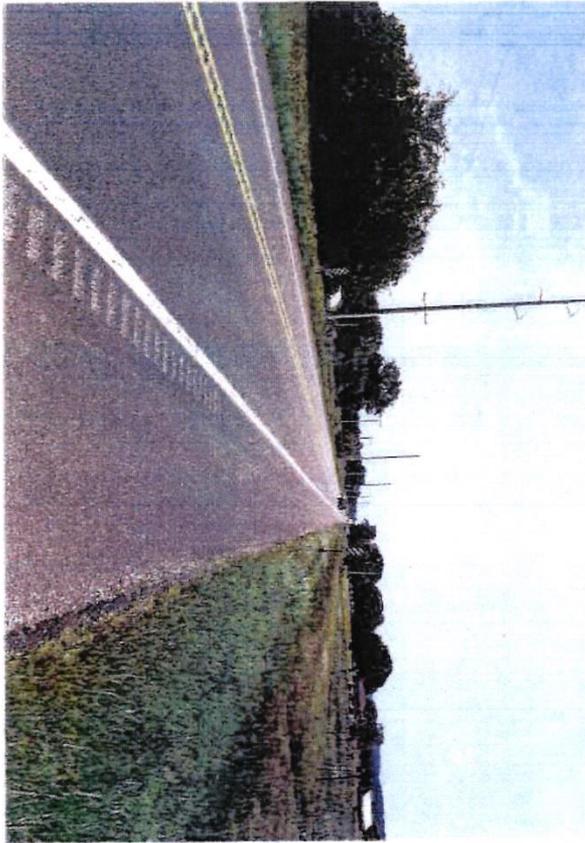
Ashcraft 2nd Supp Response 0590



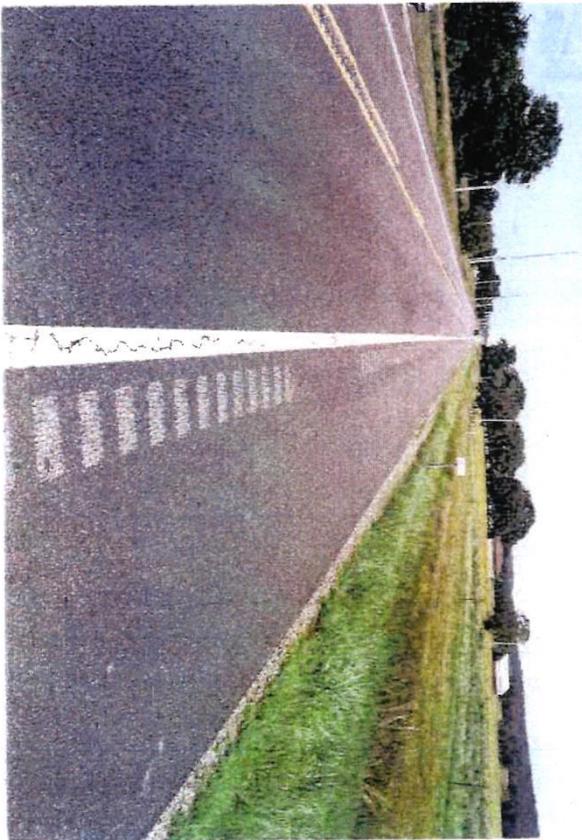
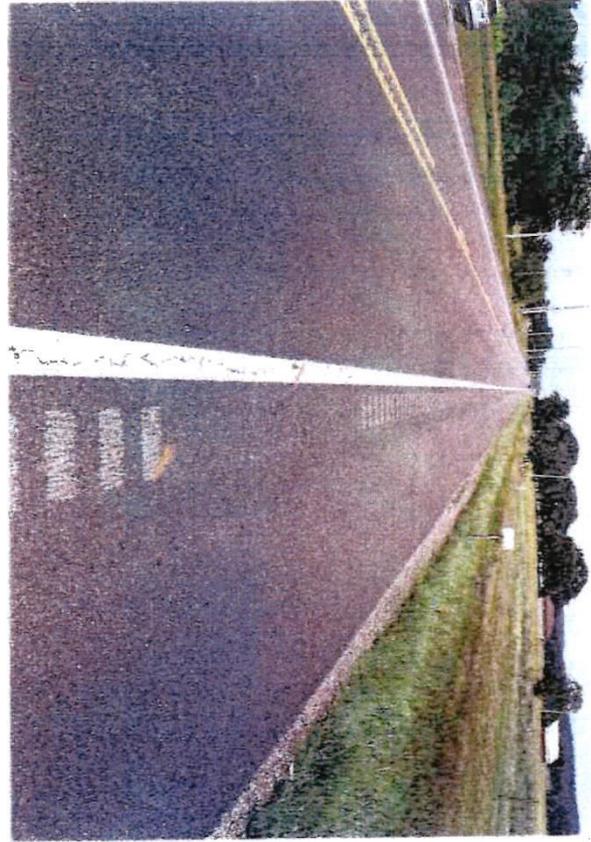
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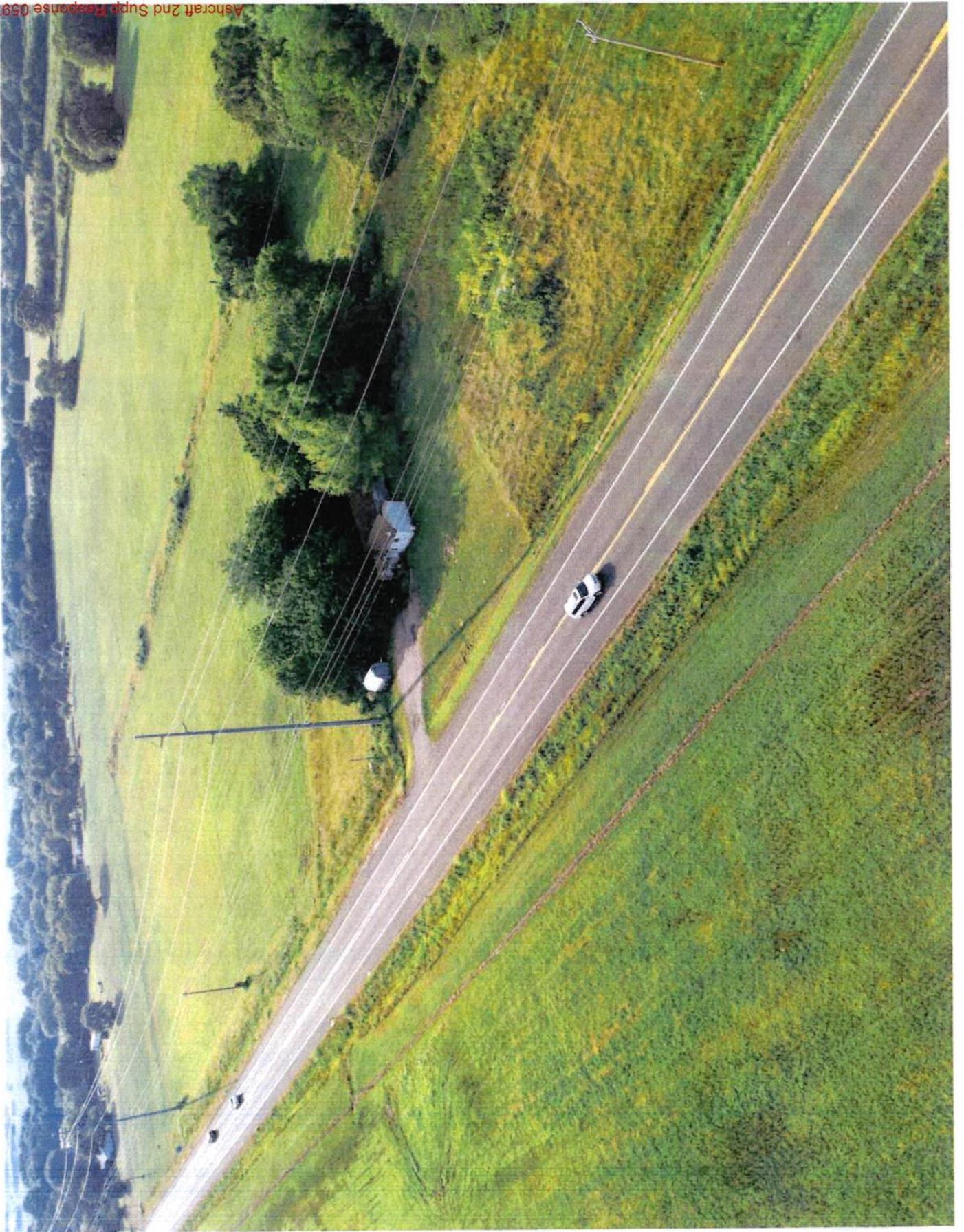
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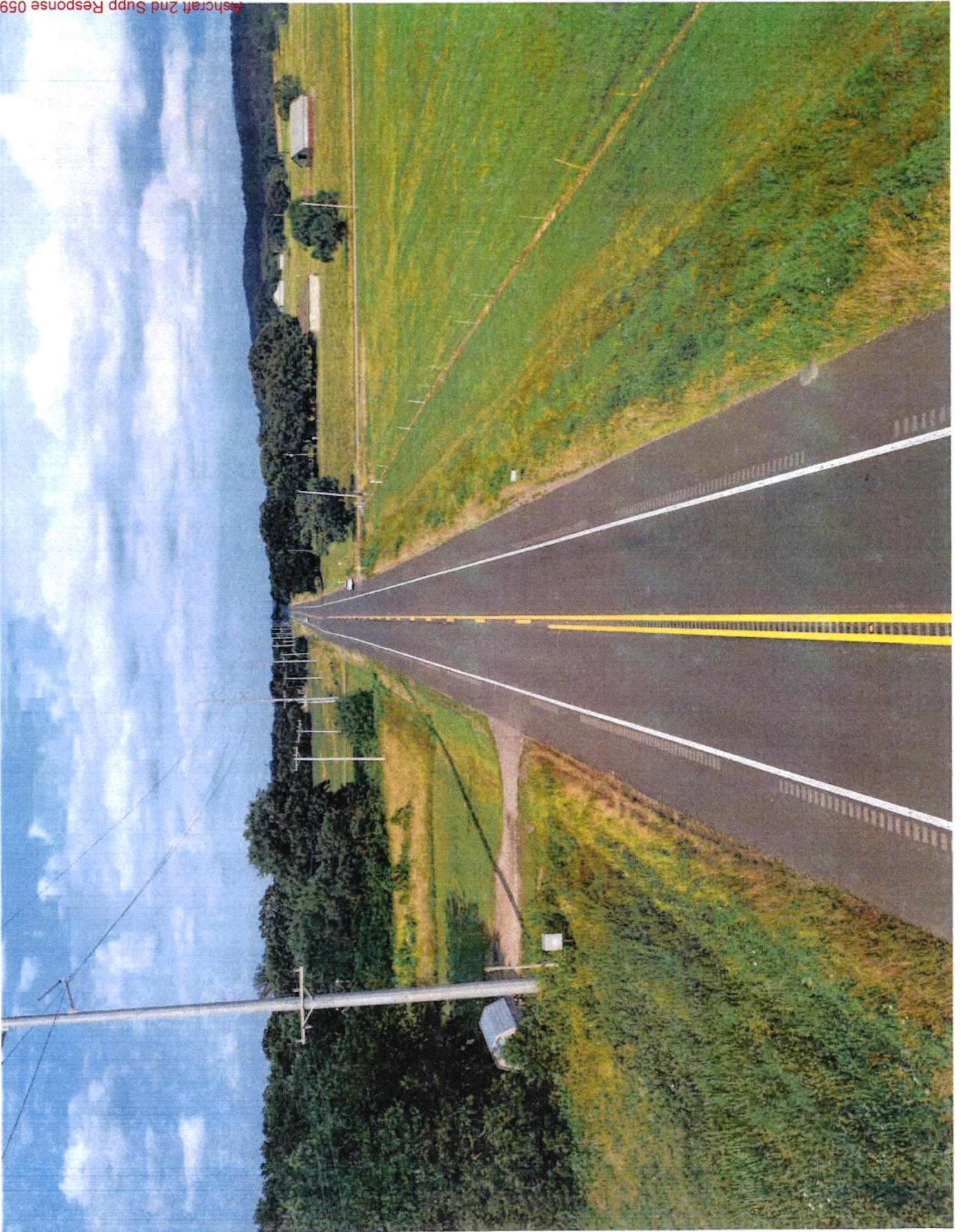


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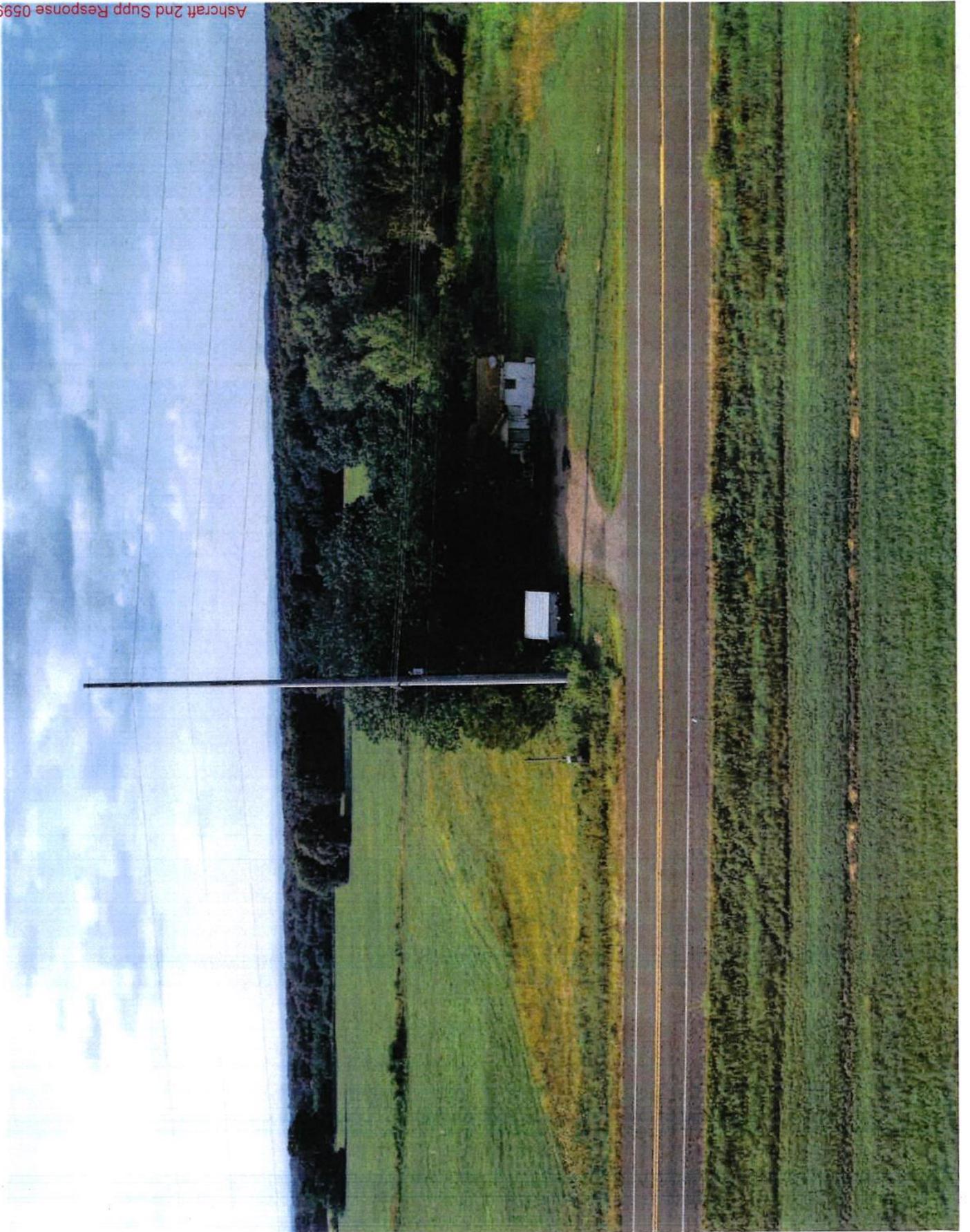
Ashcraft 2nd Supp Response 0597



Aircraft 2nd Supp Response 0598



Ashcraft 2nd Supp Response 0599



CURRICULUM VITAE

Stanley Bruce Cain

Accredited Traffic Accident Reconstructionist (ACTAR [REDACTED])

[REDACTED]
[REDACTED]
[REDACTED]

EMPLOYMENT HISTORY

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

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

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

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

EDUCATION

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

REV. 3/01/2023

 SPECIALIZED EDUCATION AND TRAINING

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

REV. 3/01/2023

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

LAW ENFORCEMENT TRAINING

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

REV. 3/01/2023

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

TEACHING EXPERIENCE

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

ACCREDITATION

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

PROFESSIONAL MEMBERSHIPS

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

AWARDS

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

PUBLICATIONS

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

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

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

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

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

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

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

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

REV. 3/01/2023

Ashcraft 2nd Supp Response 0604

Stanley B. Cain Accident Reconstructionist, LLC

Available Services

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

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

Costs and Fees

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

REV. 3/01/2023

HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

9

1 this. Okay?

2 A. Okay.

3 Q. It's not a marathon session at all. My
4 understanding is the accident occurred on Friday, June
12:58PM 5 11th, 2021. Does that sound correct to you?

6 A. Yes.

7 Q. And what was your job description for DHS? Do
8 you recall the title? Does the phrase "program
9 assistant" mean anything to you?

12:58PM 10 A. Yes. Yes. Yes.

11 Q. What is a -- when did you start working for the
12 Arkansas Department of Human Services?

13 A. I think it was exactly -- I got in the wreck
14 exactly two weeks since I had started. So, you know,
12:59PM 15 the date?

16 Q. And we need for you -- if you don't know
17 something, just say I don't know, so you don't have to
18 ask your mom or anything. This is not like school,
19 where an answer of "I don't know" gets you an F.

12:59PM 20 A. Yeah.

21 Q. Here, if you don't know, you don't know. Okay?

22 A. I know I've sent you -- I've talked to you, so
23 I've sent you that. I just don't remember the exact
24 dates. That was two years ago.

12:59PM 25 Q. Certainly. So I looked back at the calendar.



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HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

10

1 It looks like Memorial Day was on Monday, the 31st,
2 and that maybe you may have started on June 1st?

3 A. Yes.

4 Q. And then the accident happened on Friday, June
5 11th?

6 A. Correct.

7 Q. Was this your first time to leave Paris to go on
8 a child visit?

9 A. Yes.

10 Q. Okay. Just briefly explain what -- what your
11 understanding of what you were supposed to do on that
12 afternoon. What was your responsibility?

13 A. Well, I was supposed to go on an eight and a
14 half hour, I guess, trip to go pick up a child. I
15 don't have a child, so I don't even know how to use a
16 car seat or anything like that.

17 I had never -- I didn't have a gas card.
18 I guess you have to have -- I didn't even know all the
19 procedures yet 'cause I was -- I had no training or
20 anything like that. So it was just -- I mean, to go
21 and pick up the kid and then bring them back to
22 Clarksville -- well, it changed so much 'cause I --
23 and it wasn't planned out. Okay?

24 So it was the night -- the night before, I
25 was with Brandy Ezell, and she had told me to be



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HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

13

1 she working in the Paris office?

2 A. Yes. Yes. And she had told me she didn't --
3 she didn't know what time that she was going to -- the
4 kid had counseling or something like that, and that
01:04PM 5 she didn't know. And then I'm, like, trying to tell
6 Brandy, you know, well, she -- I need to know what
7 time to leave, like, all morning. And then -- so
8 either way, a professional to me is, you would have
9 had -- I should have left, like, in time for -- if I
01:04PM 10 ran out of gas or -- so yeah. I don't know.

11 Q. What's the name of the lady that went to
12 Fayetteville; do you recall?

13 A. I would know if I heard it. I can't remember.

14 Q. Okay. That's fine. So --

01:05PM 15 A. And then -- but it changed from first it was
16 meet at -- we were supposed to meet in Russellville
17 or -- yeah, in Russellville; then it went to
18 Clarksville.

19 Q. Okay. Did you or Brandy Ezell print out
01:05PM 20 anything on paper to show you your route?

21 A. No.

22 Q. How did you know what route to take to go to
23 Beebe?

24 A. I didn't really. She got on map -- one of the
01:05PM 25 map things and I was supposed to go by that.



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HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

14

1 Q. And so I have a map on my telephone, Google
2 Maps, and I use that. Is that what you are talking
3 about?

01:06PM

4 A. That's not what I -- what we were using -- what
5 she used.

6 Q. Was it on a handheld device or was it on a
7 computer that's --

8 A. No. It was --

9 Q. -- desktop?

01:06PM

10 A. Well, I didn't have a State phone yet, so I had
11 my personal iPhone. And she was using hers, so...

12 Q. How -- what -- what device or object map were
13 you going to use to get to Beebe? Was it the map on
14 your iPhone?

01:06PM

15 A. Yes. That's what I was supposed to use.

16 Q. Okay. And did you type in the address of your
17 destination and put search and find a route? Is that
18 how it worked at the time?

19 A. That's -- Brandy did that. Brandy did that.

01:06PM

20 Q. On your phone or her phone?

21 A. On -- well, on -- I guess on hers and then I
22 had -- I did it on mine.

23 Q. All right. Ms. Ezell testified that she and
24 Ms. Feemster left about 12:07 p.m. on Friday from the
25 DHS office, and that was about the same time that you

01:07PM

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HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

17

1 Brandy, like, every day to do her visits, like, in her
2 personal car on her visits. And she smoked in her
3 car. I guess that's why they don't take -- they want
4 to use their personal vehicles because you can smoke
01:10PM 5 in your vehicle. You can go -- they go and eat during
6 their sessions and leave early and stuff like that.
7 Q. Okay. So I'd like for us to focus on --
8 A. Yeah.
9 Q. -- what happened on Friday.
01:10PM 10 A. Okay.
11 Q. You and Ms. Ezell returned from Casey's to the
12 DHS parking lot, correct?
13 A. Yes. And then --
14 Q. You're in the passenger's seat, correct?
01:10PM 15 A. Uh-huh.
16 Q. You go inside with Ms. Ezell, correct?
17 A. Yes.
18 Q. Tell me what happens next.
19 A. Okay. That's when she figures out on the maps,
01:10PM 20 when I needed to leave, and it was I needed to leave
21 then because I needed to leave earlier than that
22 really.
23 And so I left, and I had called in some
24 food at Dari-Delite because I knew that's what she
01:11PM 25 does, and this is a eight-hour trip with no -- no gas

HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

18

1 already. And then I was driving, and that's when --
2 okay.

3 Q. So I want to stop you before you --

4 A. Oh, yeah. Okay. So I went -- okay.

01:11PM

5 Q. So you went to Dari-Delite?

6 A. Yes. Pick up, just, something to eat because I
7 hadn't had anything.

8 Q. Okay.

01:11PM

9 A. And that's what I thought -- I mean, Brandy,
10 that's -- if I was -- she was training me. I mean,
11 that was what I --

12 Q. Did you go inside and sit down and eat or was it
13 a drive-through? I don't know how that works at
14 Dari-Delite.

01:11PM

15 A. You can do either way.

16 Q. What did you do?

17 A. I went and picked it up. I went in and got it.

18 Q. Okay. After the accident occurred, do you
19 remember who came to the accident scene?

01:12PM

20 A. Like, Brandy?

21 Q. (Nodding head.)

22 A. Brandy and Pam.

23 Q. Yes. Who else? Who did you call and who came
24 to the accident scene? Those are two separate
01:12PM 25 questions, so let me back up. Did you call anyone?



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HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

19

1 A. I called Brandy.

2 Q. And what did you tell her?

3 A. That I'd just got in a car accident.

4 Q. Okay. And then who else did you call after
01:12PM 5 that?

6 A. I called my boyfriend at that time. He's not my
7 boyfriend anymore.

8 Q. And then --

9 A. And then I called my mom.

01:12PM 10 MR. GASPER: Can we -- can we get a
11 name?

12 Q. (By Mr. Jackson:) Yeah. What's the name of
13 your boyfriend?

14 A. Ex-boyfriend.

01:12PM 15 Q. Ex-boyfriend, I mean.

16 A. Scott Thomas Lindstrom.

17 Q. Okay. And did all -- did you call -- do you
18 remember calling anybody else other than those three?

19 A. I called my mom.

01:13PM 20 Q. You said your mom. You said Scott Lindstrom.
21 And you said Brandy Ezell. Were there any other calls
22 you made that you recollect?

23 A. No. I don't -- I don't think so.

24 Q. Did all three of those people come pretty
01:13PM 25 quickly to the accident scene?

HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

23

1 A. But they didn't do anything -- anything then, so
2 I didn't know for two months that my back was broke.
3 And I was in so much pain that they made me come in to
4 work just to do that thing, and I didn't even know
5 what it was.

01:18PM

6 (Exhibit 3 marked for identification.)

7 Q. I am going to hand you a document. We'll mark
8 it as Exhibit Number 3 to your deposition. Is that
9 what you are talking about?

01:19PM

10 A. Yes.

11 Q. Okay. So this is part of where we need to make
12 a record. That document is -- looks like an email
13 from Kristen Shelton to you that was printed out, 10
14 questions, and then there's handwritten responses
15 under each question. Is that your handwritten --
16 handwriting?

01:19PM

17 A. Yes.

18 Q. And is that your statement that you gave to DHS
19 as to what happened?

01:19PM

20 A. I guess -- I guess so. I didn't know what it
21 was. I just got -- I wasn't explaining anything. Pam
22 just said, "Fill it out."

23 Q. Will you look over --

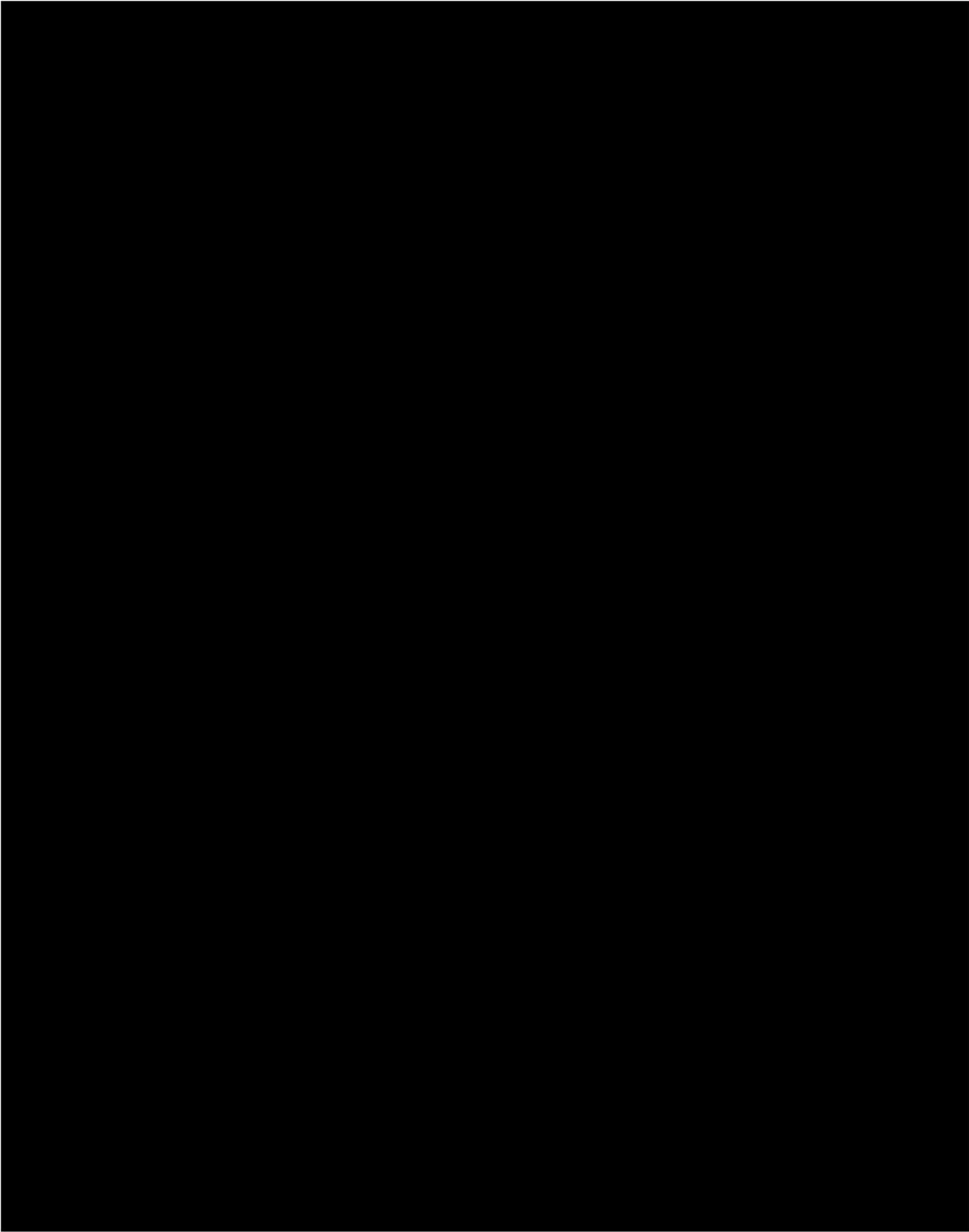
24 A. Yes.

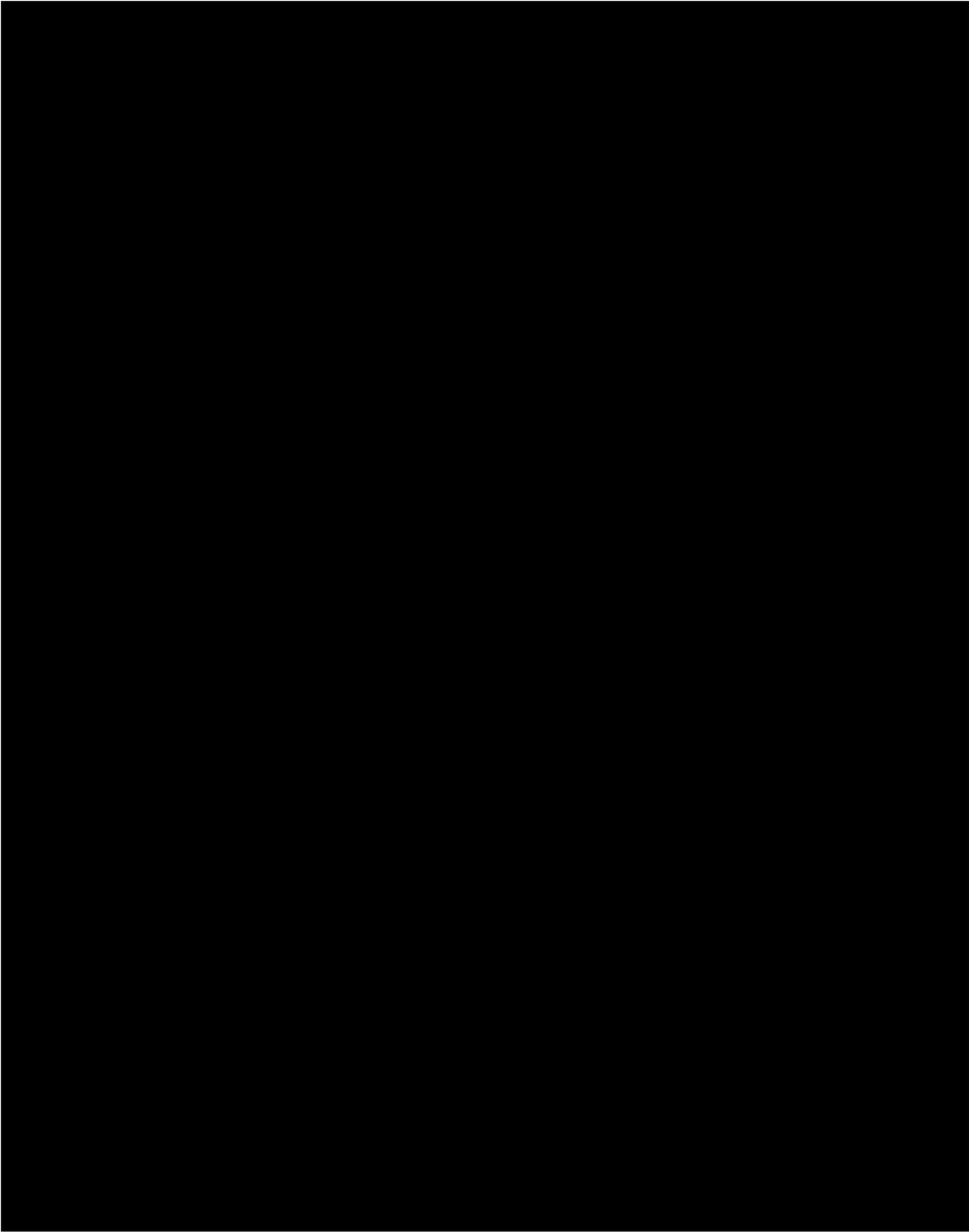
01:19PM

25 Q. Can you just take a moment and look over the



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1 to get some air.

2 And then -- -then all of a sudden, she's
3 in the ambulance, and it just got worse throughout
4 that whole process. They gave her -- and they said
01:54PM 5 they thought that -- they gave her a Narcan shot
6 because they thought that she was having withdrawals,
7 drug withdrawals or something.

8 And they couldn't -- they couldn't get an
9 IV or anything in there. So -- and they couldn't get
01:55PM 10 one in me, so I had bruises all over, and we wasn't
11 even driving then. And it just got worse. She was
12 getting worse.

13 And they said they thought that she had a
14 brain -- had a brain aneurysm and that it was -- that
01:55PM 15 they couldn't say that it wasn't -- that's not --
16 wasn't happening before the wreck. I mean, that it --
17 that's not -- that she wasn't having the brain
18 aneurysm, you know, at that time before I even hit
19 her.

01:55PM 20 MR. GASPER: That she was or was not?

21 Q. (By Mr. Jackson:) Yeah. I didn't understand
22 that last sentence you just said.

23 A. That that was -- that it was possible that she
24 was stopped because she was having that brain
01:56PM 25 aneurysm.

HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

47

1 MR. GASPER: Stopped -- I'm sorry. This

2 is Jim's question. I'm just trying to --

3 THE WITNESS: Or that it triggered or

4 that it was going on.

01:56PM

5 Q. (By Mr. Jackson:) Where were you when you heard
6 this?

7 A. In the EMS. In the ambulance. It was just us
8 on the way -- there was another wreck that day, so
9 that -- we couldn't go to Paris. It would be a longer

01:56PM

10 wait, is what --

11 Q. So you went to -- they transported you to
12 Booneville?

13 A. Yes.

14 Q. And there was a female medic driving, correct?

01:56PM

15 A. Yes.

16 Q. And there was a male medic in the back?

17 A. Yes.

18 Q. Okay. Do you know either one of them?

19 A. No.

01:56PM

20 Q. Okay. And where -- when you got to the
21 emergency room, I assume all the attention was being
22 put on Jacqueline Ashcraft and you were secondary;
23 would that be fair to say? Or did they have a ER
24 doctor there for you? How did that work?

01:57PM

25 A. I -- I didn't know. I was just -- I would say



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[REDACTED]

02:23PM

MR. GASPER: Did or did not?

THE WITNESS: I mean, he said I did,
but --

[REDACTED]

02:23PM

(Exhibit 8 marked for identification.)

Q. I want to hand you what we'll mark as Exhibit
Number 8.

MR. GASPER: I've seen it.

02:23PM

Q. (By Mr. Jackson:) And have you seen that
document before?

A. No.

Q. At the bottom, it has the -- what was found
present in your urine. Can you look at that?

02:24PM

Present, present, present, present, present, and it's
in a line for those.

[REDACTED]

Q. Any reason to disagree with any of those
findings by the toxicology laboratory?

02:25PM

[REDACTED]



1 on there.

2 Q. What are -- I don't know --

3

4

02:25PM

5

6

7

8

9 Q. Okay. And have you applied for Social Security
10 disability?

02:25PM

11 A. I -- I don't know how. I've tried to start it,
12 but I didn't know how. And that's -- my mom said that
13 I wouldn't -- she didn't think that was a good idea.
14 I don't know.

02:25PM

15 Q. Jennifer, you've -- we've sat here today,
16 started a little bit before 1:00, and thank you for
17 coming in. I'm about at the end of my questions.
18 Mr. Gasper may have some questions for you.

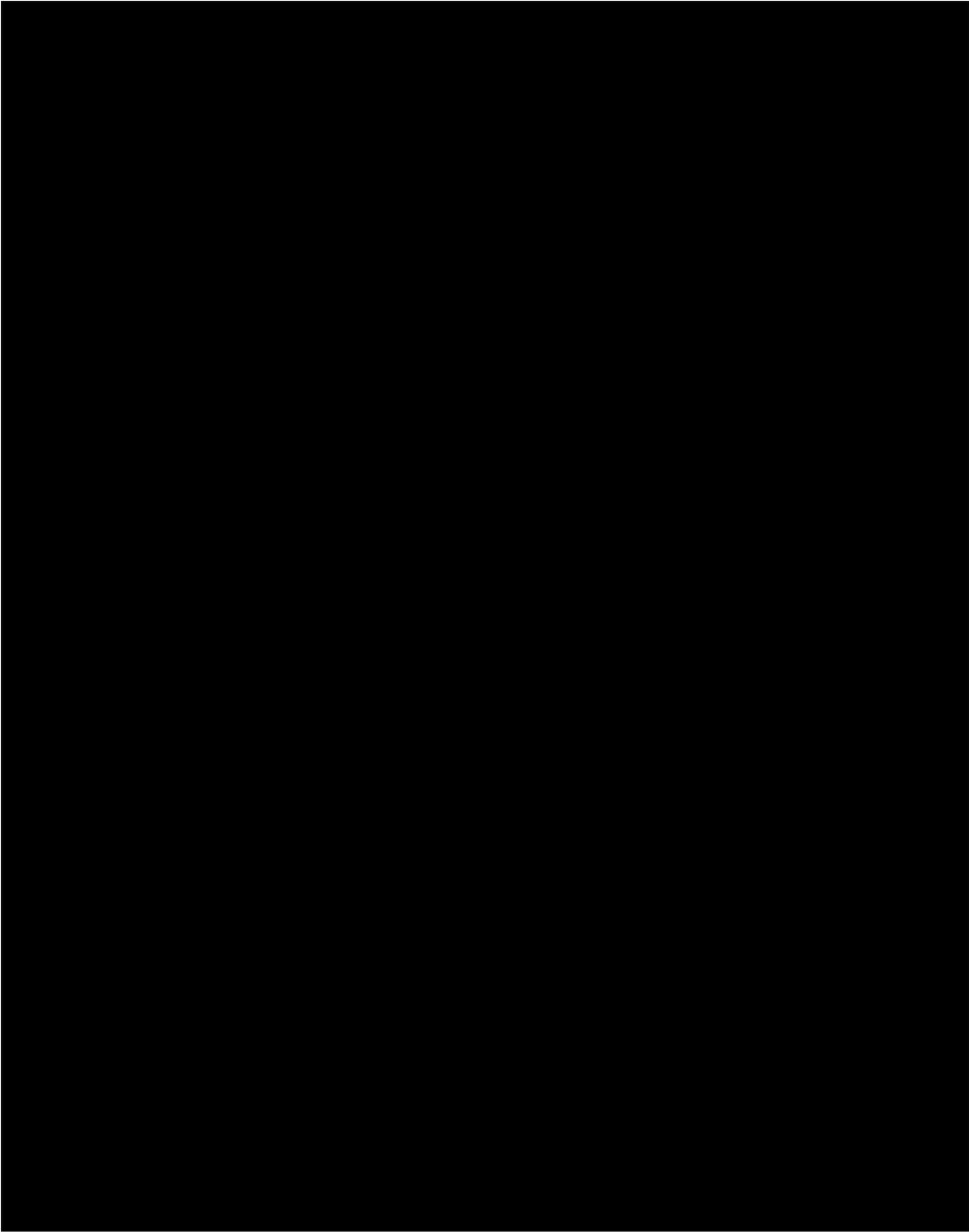
19 But as you sit here, is there anything
20 else you recall about the wreck, and from that five
21 seconds till the vehicles came to impact that you
22 haven't already told us?

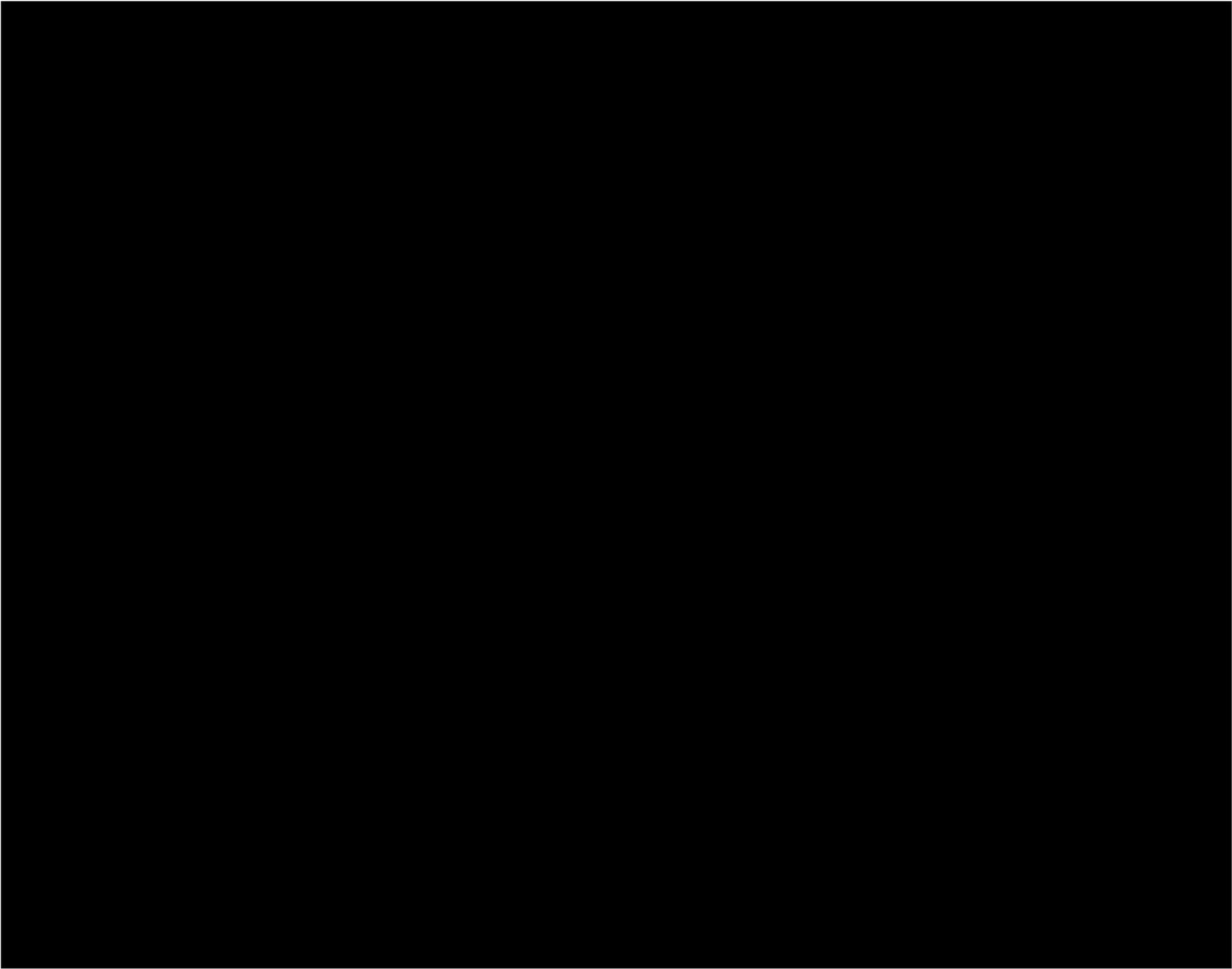
02:26PM

23 A. Can you say that again?

24 Q. Sure. We took a break. You've been asked a lot
25 of questions --

02:26PM





HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

102

1 A. Boyfriend and girlfriend, I guess.

2 Q. Just a -- you weren't engaged or married?

3 A. No.

4 Q. Okay. And you say Scott got there first; is
03:16PM 5 that right? That's what I've got written down. I may
6 have written it down wrong. Who arrived first? Your
7 mom?

8 A. No. My mom didn't -- no one -- my mom didn't
9 come there at all.

03:16PM 10 Q. Oh, she didn't? Okay. It was just --

11 A. Scott was the only person that --

12 Q. Were you talking to your mom on the phone?

13 A. I talked -- talked with her. Yes.

14 Q. Scott came and got you?

03:16PM 15 A. No. He came to the wreck.

16 Q. Right. Now, you had been with Scott prior to
17 that, right? Like, at Dari-Delite?

18 A. Yes, I saw him.

19 Q. You saw him there or did you meet him there?

03:16PM 20 A. I mean, he was there, and that's where I got
21 food.

22 Q. Okay. Was it prearranged to meet there or just
23 bumped into him?

24 A. I mean, I was going there --

03:17PM 25 Q. Okay.

HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

122

1 A. Like, random places. Like, I was driving with
2 someone, and he was trying to get her to go meet him
3 somewhere.

03:40PM

4 MR. GASPER: Okay. Well, Jennifer, that
5 is all I have today. Pending if Jim
6 probably has some follow-ups for you. I may
7 have some follow-ups. If he has follow-ups,
8 generally, I think that you answered most of
9 my questions and gave us a lot of good
10 information. I appreciate you showing up
11 today. So I'll pass the witness to Jim.

03:40PM

12 MR. JACKSON: Jennifer, just a few
13 follow-up questions.

14 FURTHER EXAMINATION

03:40PM

15 BY MR. JACKSON:

16 Q. Did you still have your meal with you from the
17 Dari-Delite?

18 A. No.

03:40PM

19 Q. Did you eat your meal at -- where did you eat
20 the meal?

21 A. I think I did have -- actually, I -- I think I
22 had some coffee in there. I had my drink in there.

23 Q. So where did you eat? Where did you eat your
24 meal from the Dari-Delite?

03:40PM

25 A. I'm trying to recall. I ate -- I guess I ate

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HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

123

1 it -- it was when I went in and then I threw it away
2 there.

3 Q. So you went inside and sat at a booth or a
4 table?

03:41PM

5 A. No. I went inside to pick up my meal, like I
6 said earlier.

7 Q. Okay.

8 A. So instead of waiting through the drive-through.

9 Q. Okay.

03:41PM

10 A. And I went ahead and ate it. I didn't sit down
11 at the booth 'cause I didn't get very much to eat.

12 Q. So you -- just -- I'm not trying to be
13 difficult, but just to help me understand. So you
14 went in, you would have had a sack or something? You
15 would have picked it up and gone back to your car and
16 eaten?

03:41PM

17 A. Well, Scott was there. He knew that I was going
18 to be there, so he was there. It was not -- that was
19 not planned. And that's -- that's how it --

03:42PM

20 Q. What was the meal? Was it a hamburger? What --
21 I heard you say coffee.

22 A. Yeah. A hamburger.

23 Q. Okay. And by the time of the wreck, had you
24 eaten the hamburger or thrown it away?

03:42PM

25 A. Yeah. I had already ate it.

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HALEY HUDSON vs AR DEPARTMENT OF HUMAN SERVICES
WILKERSON, JENNIFER on 10/20/2023

124

1 Q. Okay. Where were you physically when you ate --
2 when you consumed the hamburger?

3 A. At the Dari-Delite.

4 Q. Were you at a booth or at a table or in the
5 parking lot?

6 A. I was in the -- standing inside.

7 Q. Okay. So you just went in and ate your
8 hamburger standing there inside the Dari-Delite?

9 A. Yeah. That's kind of how it is around here.

10 Q. Okay. So that's why you looked at me odd when I
11 asked you if you were sitting at a booth. You were
12 standing?

13 A. Yeah.

14 Q. All right. The person that cut the seatbelt, do
15 you know who he is?

16 A. No. I didn't know who any of them were.

17 Q. So the person that -- any of the women that were
18 there right afterwards, you don't know who they were?

19 A. No. I was not even paying attention. I just
20 know that there was blood and I was sitting. I was
21 out of it.

22 Q. All right. And then now I want to go back to
23 what -- some of the things that Mr. Gasper asked you
24 at the very beginning of his questions. He said
25 Mr. Jackson is not your friend and then he went



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IN THE ARKANSAS STATE CLAIMS COMMISSION

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

CLAIMANT

vs.

CC No. 230641

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

RESPONDENT

AFFIDAVIT OF PAMELA FEEMSTER

I, Pamela Feemster, am competent to testify and have personal knowledge regarding the statements contained in this affidavit, do hereby declare, under the penalty of perjury to the following:

1. I am currently employed with the Arkansas Department of Humans Services (DHS), Division of Children and Family Services (DCFS) as a Family Service Supervisor in Logan County, Arkansas, a position that I have held since December 2, 2019.

2. I have worked for DHS for over 11 years.

3. In June 2021, I was working as a Family Service Supervisor in Logan County, Arkansas.

4. As a Family Service Supervisor, my duties include: assigning work to staff including program assistants, conducting consults, preparing monthly reports, participate in the hiring process by conducting interviews and submitting hiring packets for individuals that I recommend should be hired, I can also recommend that a employee be terminated from DHS.



5. In 2021, I interviewed Jennifer Wilkerson and submitted a hiring packet for her to human resources and Central Office in Little Rock for approval. *See attached hereto* Exhibit A, Selected Records from Wilkerson's Personnel File (redacted) (hereinafter "Exhibit A").

6. After receiving approval to hire Ms. Wilkerson, I informed her that she would need to submit to a pre-employment drug test that is required for all new hires at DHS. Exhibit A, p. 9-10. Ms. Wilkerson passed her drug screen. Exhibit A, p. 11.

7. Ms. Wilkerson was also required to agree to all traffic laws and the driving policies for DHS. *See* Exhibit A, p. 5-6, 21-24.

8. Jennifer Wilkerson was hired as a Program Assistant for DCFS in Logan County. *See* Exhibit A, 17-19.

9. On June 1, 2021, Ms. Wilkerson began working as a Program Assistant and I was her direct supervisor.

10. Ms. Wilkerson and I both worked at the Logan County DHS office, which is located at 17 W. McKeen Street, Paris, Arkansas 72855.

11. As a Program Assistant, Ms. Wilkerson's main responsibilities were transportation of children and to conduct supervised visitations.

12. On June 11, 2021, Ms. Wilkerson was assigned to go to Beebe, Arkansas to pick up a child at 2:00 p.m. and transport the child to Clarksville, Arkansas for a sibling visit at 4:00 p.m.

13. In order for Ms. Wilkerson to arrive in Beebe by 2:00 p.m., she needed to leave Paris, Arkansas around noon because it takes approximately two (2) hours to drive from Paris to Beebe.

14. Prior to the accident on June 11, 2021, the last time that I saw Ms. Wilkerson was when Brandy Ezell and I were leaving to go to lunch a few minutes after noon and I saw Ms. Wilkerson heading to the state vehicle to head Beebe, Arkansas.

Wilkerson Calls Ezell to Report the Accident

15. As Brandy and I were returning from lunch and pulling into the parking lot at the Logan County DHS office, Brandy received a call from Ms. Wilkerson that she had been in a motor vehicle accident.

16. Brandy and I were still in Brandy's personal vehicle when Ms. Wilkerson called Brandy and told her about the accident.

17. As Brandy and I drove to the accident, Brandy expressed concern to me that Ms. Wilkerson was still near the office when the accident occurred.

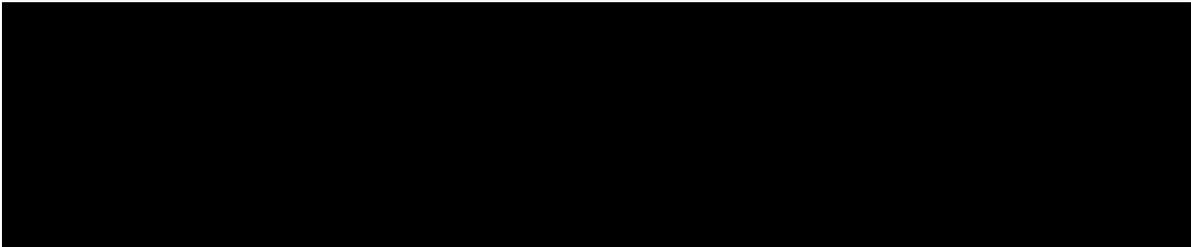
18. It only took about 5 to 10 minutes for us to arrive at the accident scene.

Actions at the Scene

19. When we arrived, we had to park some distance from the actual accident.

20. When we got close to the ambulance, I observed Ms. Wilkerson was being loaded into the ambulance.

21. At the scene, I observed a male individual, whom I learned later was Ms. Wilkerson's boyfriend, Scott Lindstrom, get into the state vehicle and remove some bags from the vehicle.



23. While at the scene of the accident, I also called Kristen Shelton, who was my supervisor, to inform her about the accident.

24. At the scene, I did ask one of the state troopers about whether they would be drug testing Ms. Wilkerson, but I was informed at that point that there was no plan to conduct a drug test of Ms. Wilkerson.

25. Brandy and I were at the accident scene for approximately thirty (30) minutes before we left to go to the hospital to ask that Ms. Wilkerson be given a drug test.

26. After learning that the state police were not planning on performing a drug test on Ms. Wilkerson, Brandy and I decided to go to the hospital and ask the hospital staff to drug test Ms. Wilkerson.

After Leaving Accident Scene

27. At some point, Brandy and I were informed that Ms. Wilkerson had been taken to the hospital in Booneville, Arkansas.

28. Upon arriving at the hospital in Booneville, we were informed that the hospital was on lockdown because of an incident involving Scott Lindstrom, Ms. Wilkerson's boyfriend.

29. Brandy saw Jennifer Wilkerson's mother standing by the door of the hospital and the two of us went over to speak with her.

30. Jennifer's mother informed Brandy and I that prior to the accident, Jennifer had met up with her boyfriend at Dairy-Delite for lunch.

31. Given my work as a DCFS worker, I was familiar with the staff at the hospital in Booneville; therefore, while at the hospital, I asked the staff to conduct a drug test on Ms. Wilkerson.

32. After I had left the hospital, I received a text message from Ms. Wilkerson in which she informed me that although she did not have a prescription for Adderall, she had taken Adderall prior to the accident.

Termination of Ms. Wilkerson

33. I first discussed terminating Ms. Wilkerson on June 11, 2021, after I received the text message from Ms. Wilkerson regarding her using Adderall without a prescription, combined with her inconsistent statements, and the fact Ms. Wilkerson was a new hire.

34. Beyond the text message I received from Ms. Wilkerson, any communications I had with her regarding the accident was done through email.

35. Kristen Shelton conducted a fact-finding investigation as required by DHS policy.

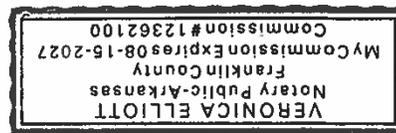
36. Following the investigation, Ms. Wilkerson was fired from DHS on Wednesday, June 16, 2021, by Kristen Shelton.

I declare under the penalty of perjury that the foregoing is true and correct.

P. Feemster
Pamela Feemster

01/26/2024
DATE

STATE OF Arkansas)
COUNTY OF Logan)



Subscribed and sworn to me, a Notary Public, on this 26 day of January, 2024.

Veronica Elliott
Notary Public

My Commission Expires:
8-15-2027

(seal)

