

ARKANSAS CLAIMS COMMISSION

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



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

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

Arkansas
State Claims Commission

MAR 10 2025

RECEIVED

CLAIM FORM

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

Simpson Andrew
 (title) (last name/name of company) (first name) (email)
 [Redacted]
 (address) [Redacted]
 [Redacted] (primary phone)

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

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

 (address) (AR bar number)

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

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

4. Date of Incident July 19-2023

5. Location of Incident Arkansas Court of Appeal

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

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

See Attached Complaint

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

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

10. **Additional Required Documents for Property Damage Claims.** You must submit (1) invoice(s) documenting the repair costs, (2) three estimates for repair, OR (3) an explanation why this documentation cannot be provided.

11. If a state vehicle was involved in this incident, please provide the following information:

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

12. CHECK HERE if this claim involves personal injuries.

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

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

14. Amount of Damages, if known: *In excess of 1 million dollars*

IMPORTANT!

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

STOP HERE!

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

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

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

Signature Page for Claim Filed by an Individual Claimant

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

Andrew Simpson
Claimant Signature

ACKNOWLEDGEMENT

State of Arkansas
County of Pulaski

On this the 10 day of March, 2025, before me, the undersigned notary, personally appeared Andrew Simpson known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Sabrina J. Hyche
Signature of Notary Public

My Commission Expires: March 29, 2027



COMPLAINT

That on January 23, 2024, United States Western Arkansas District Judge Susan Hickey, for the Western District of Arkansas issued an Order for further issues be resolved in Ashley County Circuit Court (Ex. C p.9 par 2).

Summary

Between 2023 and 2025, various legal proceedings and investigations took place in Arkansas. On January 23, 2024, Judge Susan Hickey ordered further issues to be resolved in Ashley County Circuit Court. On June 11, 2024, Andrew Simpson was appointed Administrator for the David Simpson Estate by the Ashley County Circuit Court. Plaintiff Andrew Simpson filed a motion for reconsideration on October 18, 2024. Additionally, the Arkansas Game and Fish Commission initiated an illegal investigation on June 24, 2023, which was documented on February 18, 2025. On July 19, 2024, Judges Robert Gibson and Kenneth Hixson refused to follow an order issued by Judge Susan Hickey.

1. That on June 11, 2024, Ashley County Circuit Court issued an Order in Cause no. PR-24-27 appointing Andrew Simpson Administrator for the David Simpson Estate (Exh. A) Cause no. PR-24-27
2. Closing Estate of Administrator David Simpson.

That on October 18, 2024, Plaintiff Andrew Simpson motion for Reconsideration (Exh. B)

"That on January 23, 2024, United States Western Arkansas District Judge Susan Hickey, for the Western District of Arkansas issued an Order for further issues be resolved in Ashley County Circuit Court (Exh.??) ." **Concise:** "On January 23, 2024, Judge Susan Hickey ordered further issues to be resolved in Ashley County Circuit Court."

1. "That on June 11, 2024, Ashley County Circuit Court issued an Order in Cause no. PR-24-27 appointing Andrew Simpson Administrator for the David Simpson Estate (Exh??) Cause no. PR-24-27 Closing Estate of Administrator David Between 2023 and 2025, various legal proceedings and investigations took place involving different courts and commissions in Arkansas.
- On June 11, 2024, Ashley County Circuit Court appointed Andrew Simpson as Administrator for the David Simpson Estate (Cause no. PR-24-27).

On June 24, 2023, the Arkansas Game and Fish Commission initiated an illegal investigation by issuing false citations. This investigation was documented on February 18, 2025. Between 2023 and 2025, various legal proceedings and investigations took place involving different courts and commissions in Arkansas.

- On January 23, 2024, United States Western Arkansas District Judge Susan Hickey issued an order for further issues to be resolved in Ashley County Circuit Court.
 - On June 11, 2024, Ashley County Circuit Court appointed Andrew Simpson as Administrator for the David Simpson Estate (Cause no. PR-24-27).
2. On June 24, 2023, the Arkansas Game and Fish Commission initiated an illegal investigation by issuing false citation. This investigation was documented on February 18, 2025. Simpson." **Concise:** "On June 11, 2024, Ashley County Circuit Court appointed Andrew Simpson as Administrator for the David Simpson Estate (Cause no. PR-24-27)Click or tap here to enter text.
 3. On October 18, 2024, Plaintiff Andrew Simpson filed a motion for reconsideration." (Exh. B)
 4. On June 24, 2023, the Arkansas Game and Fish Commission initiated an illegal investigation, issuing false citations. The incident was documented on February 18, 2025. (Exh. C)
 5. "That on July 19, 2024, Judge Robert Gibson (Ashley County Circuit Court), in concert with Judge Kenneth Hixson, (Arkansas Supreme Court of Appeals) refused to follow Order issued by United States Western Arkansas District Judge Susan Hickey (Exh. C p. 5 ,6.)
 6. On June 24, 2023, the Arkansas Game and Fish Commission began an illegal investigation by issuing false citations."
 7. On February 18, 2025, the Arkansas Game and Fish Commission filed its incident report. (Exh. C p.10)
 8. The false citation was for lacking a valid fishing license."
 3. The consequence of illegal investigation is a denial to access Arkansas Supreme Court Rule 60(c)(4) in case number PR-24-27 and forced to hire a lawyer: "The illegal investigation led to a denial of access to Arkansas Supreme Court Rule 60(c)(4) in case PR-24-27, requiring a lawyer by March 27, 2025."
 4. On June 24, 2023, the Arkansas Game and Fish Commission initiated an illegal investigation by issuing false report citation by Officer GW Carter and Officer GW Miller. This investigation was later documented in an incident report filed on February 18, 2025.
 5. That on July 19, 2024, Judge Robert Gibson (Ashley County Circuit Court), in concert with Judge Kenneth Hixson, (Arkansas Supreme Court of Appeals) refused to follow

Order issued by United States Western Arkansas District Judge Susan Hickey (Exh. C p. 7-9)

6. That on June 24, 2023, The Arkansas Game and Fish Commission begin illegal investigation by issuing false citation (Ex. D).
7. That on February 18, 2025, the Arkansas Game and Fish Commission filed its incident investigative Report (Exh C p.10).
8. The false citation was for not having a valid fishing license.
9. The consequence of illegal investigation is aiding the denial to access Arkansas Supreme Court Rule 60(c)(4) in case number PR-24-27 and forced to hire a lawyer by next Court date of March 27, 2025 in case #

Complaint--Unauthorized Investigation: 2023 - 2025

Between 2023 and 2025, a series of legal proceedings unfolded due to an unauthorized investigation conducted by the Arkansas Game and Fish Commission. These proceedings spanned multiple courts and commissions within Arkansas, highlighting significant legal and procedural complexities.

Background of the Unauthorized Investigation

The Arkansas Game and Fish Commission, an entity responsible for overseeing wildlife conservation and regulation, embarked on an investigation without proper authorization. This breach of protocol led to widespread legal ramifications and scrutiny from various judicial and regulatory bodies.

Key Legal Actions

During this period, several legal actions were initiated against the Arkansas Game and Fish Commission, resulting in a cascade of court cases and hearings. The unauthorized nature of the investigation prompted accusations of overreach and violations of established legal procedures.

Court Involvements

Numerous courts throughout Arkansas became involved in adjudicating the legal matters arising from the unauthorized investigation. These courts examined the actions of the Commission, assessing the legality and appropriateness of their investigation methods and decisions. The legal disputes often centered on questions of jurisdiction, authority, and adherence to statutory requirements.

Commission Reviews

In addition to court cases, various commissions undertook reviews of the Arkansas Game and Fish Commission's actions. These reviews aimed to determine the scope of the unauthorized investigation and its impact on both the Commission's mandate and public trust. Recommendations for policy changes and procedural reforms were frequently proposed to prevent future occurrences.

Specific Legal Challenges

The Arkansas Game and Fish Commission faced specific legal challenges that underscored the severity and complexity of the situation. Among the most notable were claims of constitutional violations, breaches of administrative law, and infringements on individual rights. These challenges necessitated extensive legal defenses and prompted the involvement of specialized legal counsel.

Constitutional Violations

Several plaintiffs alleged that the Commission's unauthorized investigation violated constitutional protections. Central to these claims were assertions that the investigation infringed upon due process rights and the right to privacy. Courts were called upon to interpret and apply constitutional principles to the facts of the case, leading to significant legal precedents.

Administrative Law Breaches

The proceedings also revealed potential breaches of administrative law by the Arkansas Game and Fish Commission. Questions arose regarding the Commission's adherence to established regulatory frameworks and its compliance with administrative procedures. These breaches highlighted the need for stringent oversight and accountability within governmental agencies.

Infringement on Individual Rights

Individual rights were a focal point of the legal battles, with affected parties claiming that the unauthorized investigation encroached upon their liberties. These claims involved detailed examinations of the investigation's methods and its effects on individuals' lives and livelihoods. The courts were tasked with balancing the public interest against personal freedoms, resulting in nuanced and impactful rulings.

Outcomes and Implications

The legal proceedings culminated in a series of rulings that had far-reaching implications for the Arkansas Game and Fish Commission. The outcomes underscored the necessity for clear legal boundaries and the importance of adhering to authorized protocols. The Commission was often mandated to implement corrective measures and policy reforms to ensure compliance with legal standards in the future.

Policy Reforms

As a result of the legal challenges, the Arkansas Game and Fish Commission undertook significant policy reforms. These reforms aimed to enhance transparency, accountability, and adherence to legal procedures. The implementation of these changes was closely monitored by regulatory bodies to ensure their effectiveness and sustainability.

Public Trust and Accountability

The proceedings also had a profound impact on public trust and the perceived accountability of the Arkansas Game and Fish Commission. The scrutiny and subsequent reforms were intended to restore confidence in the Commission's operations and reinforce its commitment to lawful conduct.

Conclusion

The various legal proceedings between 2023 and 2025 due to the unauthorized investigation by the Arkansas Game and Fish Commission highlighted critical issues related to authority, compliance, and individual rights. The outcomes of these proceedings served as a catalyst for essential reforms and underscored the importance of maintaining rigorous legal standards within governmental agencies.

**IN THE CIRCUIT COURT OF ASHLEY COUNTY, ARKANSAS
PROBATE DIVISION**

IN THE MATTER OF THE ESTATE
OF DAVID SIMPSON, DECEASED

CASE NO. PR-24-27-3

ORDER APPOINTING ADMINISTRATOR

The captioned matter came before this Court for hearing on June 3, 2024, on Andrew Simpson's Petition to Appoint Administrator of the Estate of David Simpson. The Court being well and sufficiently advised finds:

- 1.) For reasons stated in open court, the Court finds that this Court has jurisdiction and venue properly lies in this County
- 2.) The Court appoints Mr. Andrew Simpson as administrator of the Estate.
- 3.) Simpson is a proper and qualified person to serve as Administrator of the Estate. He is hereby named as the Administrator, and Letters of Administration shall be issued to him.
- 4.) No bond shall be required at this time.

The Clerk is directed to serve all attorneys via E-Flex, and to mail a copy to all parties.

IT IS SO ORDERED this 11 day of June, 2024.

Robert B. Gibson, III

 HONORABLE ROBERT B. GIBSON, III
 CIRCUIT JUDGE

Exhibit A

IN THE CIRCUIT COURT OF ASHLEY COUNTY, ARKANSAS
PROBATE DIVISION-----TENTH DIVISION

Ashley County Circuit Court - Probate Division
Christie Martin, Ashley County Clerk
SAS2024-Jun-18 14:25:15
02PR-24-27
C10D03 : 1 Page

IN THE MATTER OF THE ESTATE OF
DAVID SIMPSON, DESEASED

CASE NO. 02PR-24-27-3

LETTERS TESTAMENTARY

BE IT KNOWN

That Andrew Simpson whose mailing address is [REDACTED]
[REDACTED] having been duly appointed Administrator of the
Estate of David Simpson, deceased, who died on or about February 2, 1972 and
having qualified as such Executrix is hereby authorized to act as such Executrix,
for and in behalf of the estate and to take possession of the property thereof as
authorized by law.

ISSUED the 18th day of June, 2024

Christie Martin

Clerk



By:

Janet Lewis

Deputy Clerk

(SEAL)

IN THE CIRCUIT COURT OF ASHLEY COUNTY, ARKANSAS
PROBATE DIVISION-----TENTH DIVISION

IN THE MATTER OF THE ESTATE OF

DAVID SIMPSON, DESEASED

CASE NO. 02PR-24-27-3

MOTION FOR RECONSIDERATION

NOW COMES, Administrator to the David Simpson Estate, with his Motion For Reconsideration of the Order issued on October 17, 2024 discharging Andrew Simpson as Administrator and closing the Estate, States to the Court:

1. That, on October 15, 2024, a Motion for Stay was filed in the Ashley County Probate Court requesting Stay until determination of Fraudulent sale of property not included in Commissioner sale and recorded by Accessors office on October 26, 1994 for the Estate of David Simpson.
2. That, Court erred in stating a Petition for Possession was requested. No Petition Requested.
3. That, on September 25th the Administrator, Andrew Simpson, Family Petitioner Johnny Foster and his wife Jewel Foster attended a meeting with Attorney Harper, [REDACTED] To discuss the possibility of his employment.
4. That, on August 22, 2024, the Administrator Andrew Simpson met with Attorney David Harrod to discuss the possibility of employment (Exh. A)
5. That, on October 15, 2024 the Administrator Andrew Simpson met with Ashley County Accessor Beth Rush to discuss Fraudulent activities with certain property belonging to the Estate of David Simpson.

Exhibit B

6. That, the Court Erred when stating “the Court realize it overlooked the fact that the decedent passed in 1972 and that the 5-year statue of limitations to probate the estate passed decades ago and that the estate should have never been opened” the 5-year statue limitations :

Section 28-40-103 - Time limit for probate and administration states:

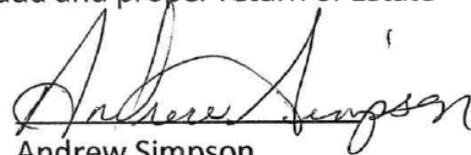
(a) No will shall be admitted to probate and no administration shall be granted unless application is made to the court for admission to probate within five (5) years from the death of the decedent, subject only to the exceptions stated in this section.

(b) This section shall not affect the availability of appropriate equitable relief against a person who has fraudulently concealed or participated in the concealment of a will.

The Court must consider the complete statute. The Estate of David Simpson has clear elements of Fraud and relief in Ashley County probate Court is appropriate. The search for Attorney for writ of possession continues.

Wherefore it is my prayer to this Court that a “Reconsideration” of its Order, on October 17, 2024, closing the Estate of David Simpson and dismissing it’s Administrator, Andrew Simpson be re-instated and allow Administrator to further pursue issues of Fraud and proper return of Estate of David Simpson to its Aires.

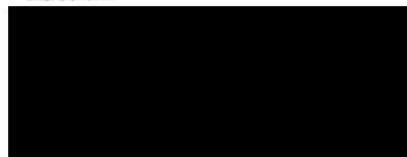
By:



Andrew Simpson

Administrator of David Simpson

Estate



Harrod Law Office
PO Box 310
Hamburg, AR 71646

Invoice submitted to:
Andrew Simpson

September 5, 2024

In Reference To: Office Consult
Invoice

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
8/22/2024 Office consult with Mr. Simpson re: property belonging to the estate of David Simpson.		75.00
For professional services rendered	<u>0.00</u>	<u>\$75.00</u>
Balance due		<u><u>\$75.00</u></u>

WE NOW TAKE DEBIT AND CREDIT CARDS

Exhibit A

ELECTRONICALLY FILED
Arkansas Court of Appeals
Kyle E. Burton, Clerk of the Courts
2024-Nov-13 10:45:54
CV-23-363
4 Pages

CASE NO. CV-23-363

IN THE SUPREME COURT OF STATE OF ARKANSAS

From Ashley County Circuit Court

Case No. – 02CV-21-86

ANDREW SIMPSON Plaintiff,

v.

CARL DAVIS d/b/a DAVIS CONSTRUCTION CO. Defendant, And **THOMAS J. VILSACK**, in his official Capacity as Secretary of Agriculture, and **TOMMY JAMES**, in his official capacity Defendant,

Petition for Review

To the Honorable Justices of the Arkansas Supreme Court:

COMES NOW, Petitioner Andrew Simpson, respectfully submits this Petition for Review to the Arkansas Supreme Court, seeking immediate review of a recent decision by the Arkansas Court of Appeals in the above-captioned matter, due to the extraordinary circumstances presented and the urgent need for this Courts intervention to address a significant legal issue with the potential for irreparable harm.

STATEMENT OF FACTS:

1. That on July 19, 2023, the Arkansas Court of Appeals and Arkansas Circuit Court of Ashley County, denied Motion for Leave to File Relief from Judgment for Fraud in Circuit Court of Ashley County (Exh. A).

Exhibit C
A1

2. That on January 23, 2024, the United States Western District Court of Arkansas issued Order denying relief, holding “ As stated in it’s March 15, 2022. Order, the remaining claims in this case are “best tried in state court,” Consequently, allegations Defendant Simpson brings regarding the conduct of other individuals in this case are appropriately addressed in the Circuit Court of Ashley County, Arkansas (Exh. B p.3).

ARGUMENT: Grave and Immediate Threat of Irreparable Harm:

The Arkansas Court of Appeals denial to relief from Judgment for Fraud is a material departure from *Ark R. Civ. 60(c)(4)* and *FRCP 60(b)*. This violation results in a real miscarriage of Justice or denial to due process. The violation of fundamental rights even for a minimal amount of time constitutes irreparable harm. Leaving the Appellant irreparable prejudiced and harmed. *See Muntaqim v. Hobbs, 2017 Ark. 97,4;514 S.W.3d 464 (2017)* (citing, *Elrod v. burns, 427 U.S. 347,373 (1976)* (violation of First Amendment constitutes irreparable harm

11. Important Questions of Law:

1. Whether the denial to Motion for Relief From Judgment for Fraud (Ark R. Civ. P. 60(c)(4) and FRCP 60(b) issued on July 19, 2023, by both institutions,

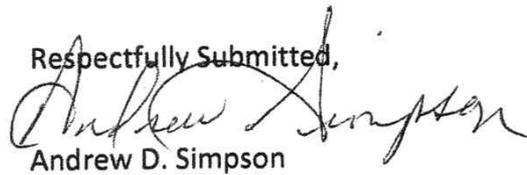
- Arkansas Court of Appeals and Ashley County Circuit Court,
unconstitutional and denial to due process?
2. Whether Ark Civ. R. P. 64(b) addition and withdrawal of Attorney, apply to Attorney Ron Goodman when he filed Entrance of Appearance (ROA. Vol 1 p.26) and Defendant Andrew Simpson's Counterclaim and Cross claim (ROA. Vol 1 p.47) with the Ashley County Circuit Court and did not get permission of the Court to withdraw unconstitutional and denial of due process?

111. Jurisdiction and Timeliness:

1. I now Appeal to the Arkansas Supreme Court as provided in Arkansas Supreme Court Rule 2-4 of Civil Procedure for timely rehearing

Prayer for Relief

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant Petition to Review the decision of the Arkansas Court of Appeals, vacate the ruling, and remand the case for further proceedings consistent with the law as determined by this Court.

Respectfully Submitted,

Andrew D. Simpson

CERTIFICATE OF SERVICE

I, Andrew Simpson, do hereby certify that on the 11th day of November 2024, a true and correct copy of the foregoing "Petition For Emergency ^{REVIEW} Writ of Certiorari" was sent to the below named individuals by means of U.S. Postal Service to the below Address:

Julius Kearney Sr.
Kearney Law Offices
P.O. Box 6606
Pine Bluff AR. 71611
(870) 536-4056

Candace L. Taylor
United States Attorney's Office
Assistant U.S. Attorney
414 Parker Avenue
Fort Smith AR 72901
(479)783-5125

P, 4

ELECTRONICALLY FILED
Ashley County Circuit Court
Vickie Stell, Ashley County Circuit Clerk
2023-Jul-19 14:31:14
02CV-21-86
C10D03 : 1 Page

**IN THE CIRCUIT COURT OF ASHLEY COUNTY, ARKANSAS
CIVIL DIVISION**

CARL DAVIS, D/B/A DAVIS CONSTRUCTION

PLAINTIFF

VS.

CASE NO. CV-21-86-3

ANDREW SIMPSON

DEFENDANTS

ORDER

The Motion for Reconsideration is denied.

The Clerk is directed to mail copies of this Order to the parties in this case,
and serve the attorneys by E-Flex.

IT IS SO ORDERED this 19 day of July, 2023.

Robert B. Gibson III

ROBERT B. GIBSON, III
CIRCUIT JUDGE

cc: ANDREW SIMPSON [REDACTED]

p. 5

FORMAL ORDER

STATE OF ARKANSAS,)
) SCT.
COURT OF APPEALS)

BE IT REMEMBERED, THAT A SESSION OF THE COURT OF APPEALS
BEGUN AND HELD IN THE CITY OF LITTLE ROCK, ON JULY 19, 2023, AMONGST
OTHERS WERE THE FOLLOWING PROCEEDINGS, TO-WIT:

COURT OF APPEALS CASE NO. CV-23-363

ANDREW SIMPSON APPELLANT

V. APPEAL FROM ASHLEY COUNTY CIRCUIT COURT - 02CV-21-86

CARL DAVIS; D/B/A DAVIS CONSTRUCTION CO.; THOMAS J. VISLACK, IN HIS
OFFICIAL CPACITY AS THE SECRETARY OF AGRICULTURE; AND TOMMY JAMES.
IN HIS OFFICIAL CAPACITY AS AREA DIRECTOR OF THE MONTICELLO,
ARKANSAS, AREA OFFICE OF USDA RURAL DEVELOPMENT AGENCY
APPELLEES

APPELLANT'S PRO SE MOTION FOR LEAVE TO FILE RELIEF FROM
JUDGMENT FOR FRAUD IN CIRCUIT COURT OF ASHLEY COUNTY IS DENIED.
GRUBER, J., NOT PARTICIPATING.

APPELLANT'S PRO SE MOTION FOR EXTENSION OF TIME TO FILE BRIEF IS
GRANTED. GRUBER, J., NOT PARTICIPATING.

APPELLANT'S PRO SE MOTION FOR ACCELERATED PROCEEDING IS
DENIED.

APPELLANT'S BRIEF IS DUE WITHIN THIRTY DAYS (AUGUST 18, 2023).
GRUBER, J., NOT PARTICIPATING.

IN TESTIMONY, THAT THE ABOVE IS A TRUE COPY OF
THE ORDER OF SAID COURT OF APPEALS, RENDERED
IN THE CASE HEREIN STATED, I, KYLE E.
BURTON, CLERK OF SAID COURT OF APPEALS,
HEREUNTO SET MY HAND AND AFFIX THE
SEAL OF SAID COURT OF APPEALS, AT MY OFFICE
IN THE CITY OF LITTLE ROCK, THIS 19TH DAY
OF JULY, 2023.

Kyle Burton
CLERK

Exhibit A p. 6

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

CARL DAVIS, d/b/a
DAVIS CONSTRUCTION CO.

PLAINTIFF

v.

Case No. 1:21-cv-01049

ANDREW SIMPSON

and

THOMAS J. VILSACK, in his
official capacity as secretary of
Agriculture, and TOMMY JAMES,
in his official capacity as Area
Director of Monticello, Arkansas Area
Office of USDA Rural Development
Agency

DEFENDANTS

ORDER

Before the Court is Defendant Andrews Simpson's Motion for Relief from Judgment under FRCP(60)(b). ECF No. 50. No party has responded and the time to do so has passed. *See* W.D. Ark. Local Rule 7.2(b). The Court finds the matter ripe for consideration.

This is a breach of contract case. Defendant Simpson hired Plaintiff to build a house, funded by a loan taken out from Rural Development, an agency within the United States Department of Agriculture. Partway through construction, a dispute arose regarding whether Plaintiff's work was sufficient and whether Plaintiff was appropriately receiving partial payments for the work. Defendant Simpson fired Plaintiff and refused to authorize the remaining payments contemplated by their contract. On July 7, 2021, Plaintiff filed this case in the Circuit Court of Ashley County, Arkansas. On September 28, 2021, Defendant Simpson filed a counterclaim against Plaintiff and a crossclaim against the USDA Defendants. On October 21, 2021, the USDA Defendants removed the case to federal court under 18 U.S.C. § 1442(a)(1), which provides for

Exh. C p. 7

the removal of a civil action commenced in state court against an agency of the United States or its officers. ECF No. 2. The USDA Defendants then filed a motion to dismiss the claim and crossclaim against them for lack of subject matter jurisdiction based on sovereign immunity. ECF No. 8. On March 15, 2022, the Court granted that motion and dismissed the claim and crossclaim against the USDA Defendants. ECF No. 38. Because that order dismissed all claims over which the Court had original jurisdiction, the Court then remanded the remaining state-law claims to the Circuit Court of Ashley County, Arkansas. ECF Nos. 38, 39.

On March 30, 2022, Defendant Simpson filed a motion asking the Court to stay its March 15, 2022, Order pending appellate appeal. ECF No. 40. On April 19, 2022, the Court denied Defendant Simpson's motion for failure to show irreparable harm absent a stay. ECF No. 41. On April 27, 2022, Defendant Simpson appealed the Court's Order denying his Motion to Stay (ECF No. 41) to the United States Court of Appeals for the Eighth Circuit. ECF No. 42. On October 4, 2022, the Eighth Circuit denied Defendant Simpson's Appeal for failure to prosecute as to his Notice of Appeal (ECF No. 42). ECF No. 47-1. On January 10, 2023, Defendant Simpson filed a Petition for Writ of Certiorari with the Supreme Court of the United States. ECF No. 48. On March 20, 2023, the Supreme Court of the United States denied Defendant Simpson's Petition for Writ of Certiorari. ECF No. 49. On September 18, 2023, Defendant Simpson filed the instant motion seeking relief from judgment and requesting that the Court "void" its Order (ECF No. 38) dismissing all claims over which the Court had original jurisdiction and remanding the remaining state-law claims to the Ashley County Circuit Court for "fraud" under Federal Rule of Civil Procedure 60(b). ECF No. 50, p.1. No party has responded.

Federal Rule of Civil Procedure Rule 60(b) provides that "[o]n motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for

Exhibit C A 8

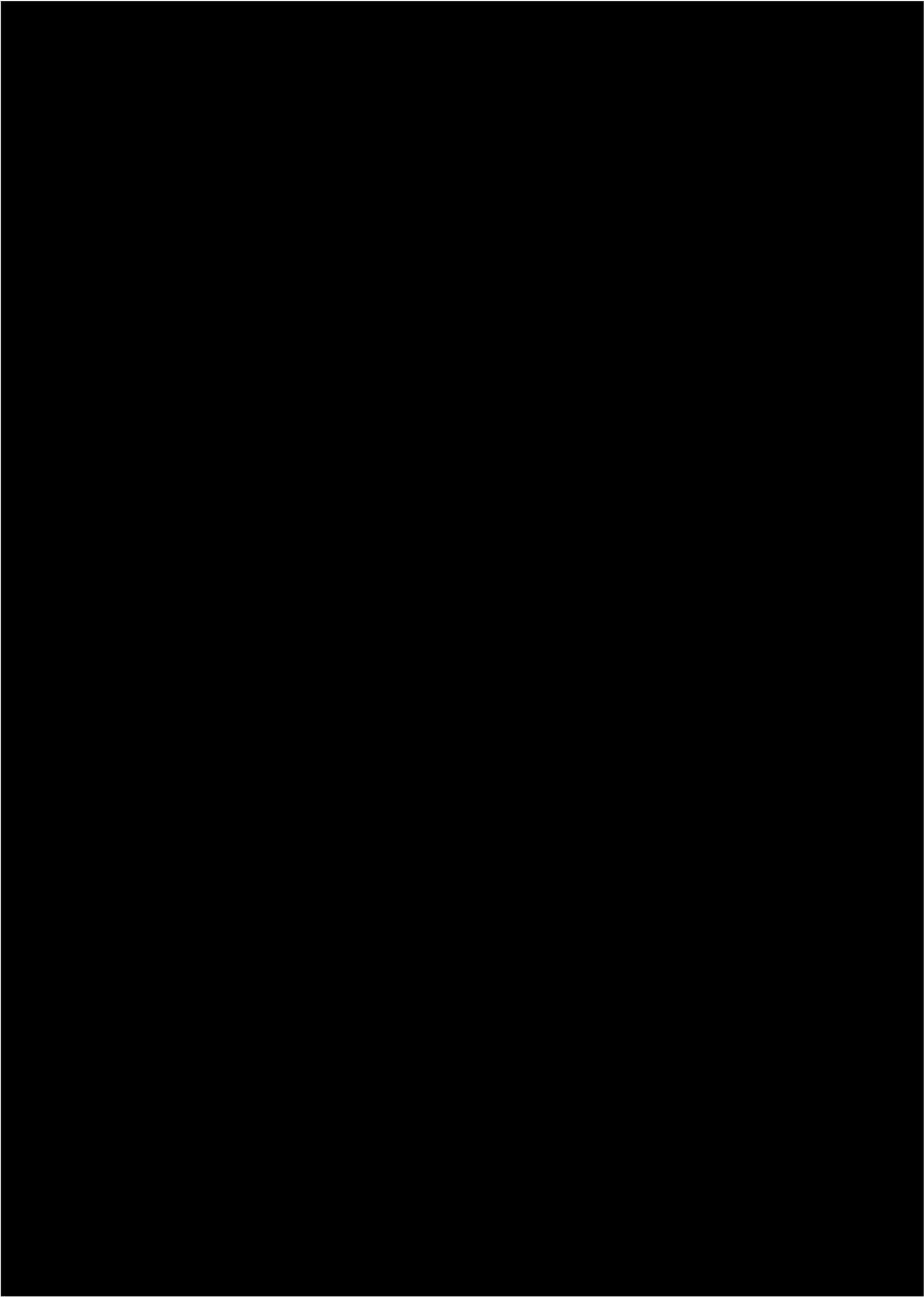
... fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party.” Fed. R. Civ. P. 60(b). Defendant Simpson attached to the instant motion before this Court, his Motion for Relief from Judgment before the Ashley County Circuit Court (hereinafter “Exhibit A”). ECF No. 50-1. In Exhibit A, Defendant Simpson states that individuals in this case committed “fraud” pursuant to “Arkansas Supreme Court Rule 60(c)(4)(c)” in misrepresenting facts in the present case. *Id.*

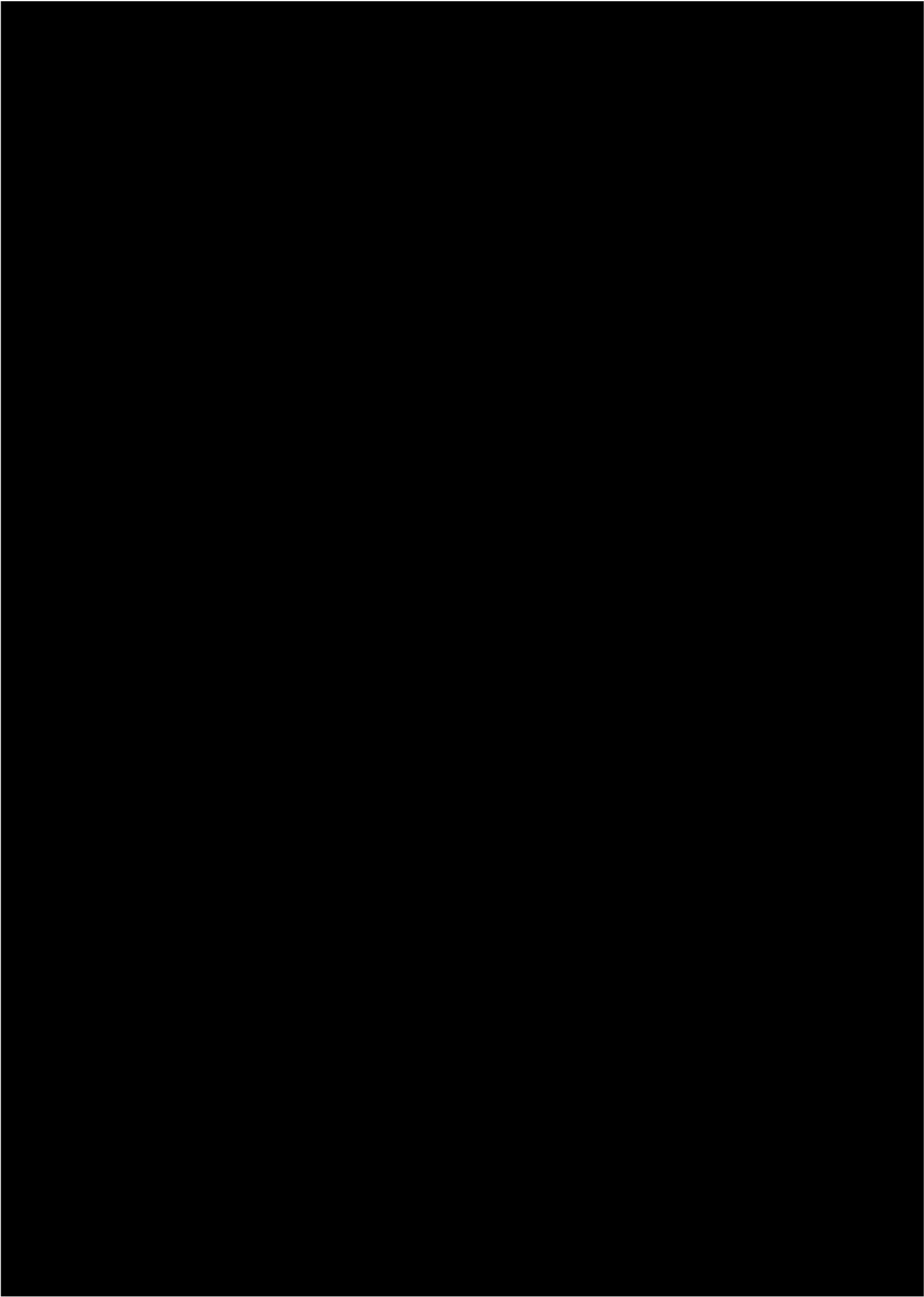
However, pursuant to its March 15, 2022, Order remanding the remaining claims in this case to the Circuit Court of Ashley County, Arkansas, this Court no longer has jurisdiction over this case. *See* ECF Nos. 38, 39. As stated in its March 15, 2022, Order, the remaining claims in this case are state-law claims that are “best tried in state court.” ECF No. 38, p. 11. Consequently, allegations Defendant Simpson brings regarding the conduct of other individuals in this case are appropriately addressed in the Circuit Court of Ashley County, Arkansas. Accordingly, because the Court does not have jurisdiction to rule on this matter, Defendant Simpson’s Motion for Relief from Judgment under FRCP(60)(b) (ECF No. 50) is hereby **DENIED**.

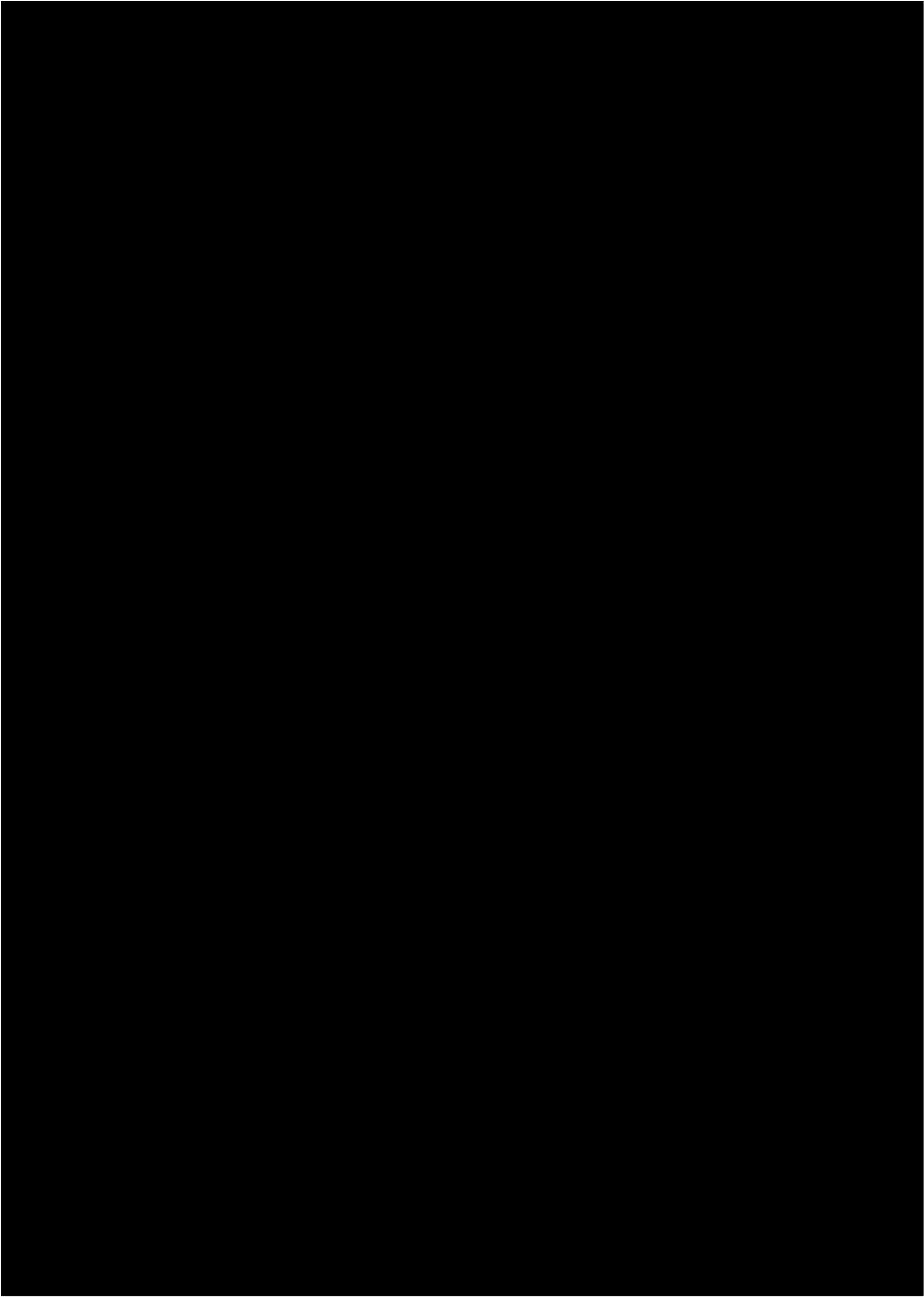
IT IS SO ORDERED, this 23rd day of January, 2024.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge

Exh. C p. 9







STATE OF MISSOURI
COUNTY OF ST. LOUIS

AFFIDAVIT OF CUSTODIAN OF RECORDS

Before me, the undersigned authority, personally appeared Julie Leicht who, being by me duly sworn, deposed as follows:

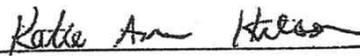
My name is Christian Tolbert (affiant), I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

1. I am the custodian of records for St. Louis County Board of Elections ("BOE").
2. Attached hereto are 3 page(s) of records of Voter Registration and Current and Previous Addresses for Andrew Simpson.
3. This/these 3 page(s) of records are kept by BOE in the regular course of business, and it was the regular course of business of BOE for any employee or representative of BOE with knowledge of the act, event, condition, opinion, or transactions to make the record or transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion or diagnosis.
4. The record(s) attached hereto are the original or exact duplicates of the original.



Affiant

In witness whereof I have hereunto subscribed my name and affixed my official seal this 1st day of August, 2023.



Notary Public
Printed Notary Name: Kacie Ann Hutson

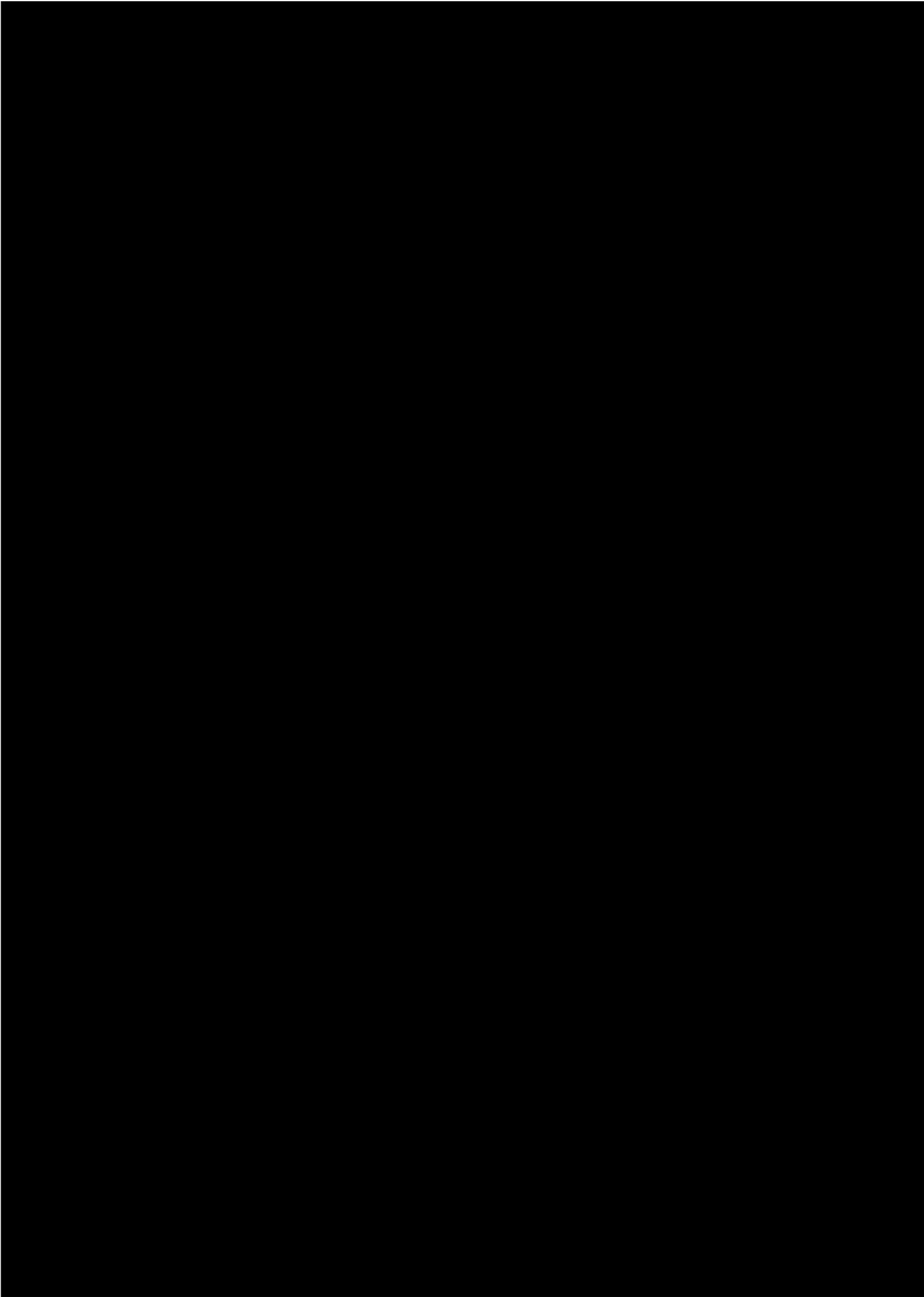
My commission expires:

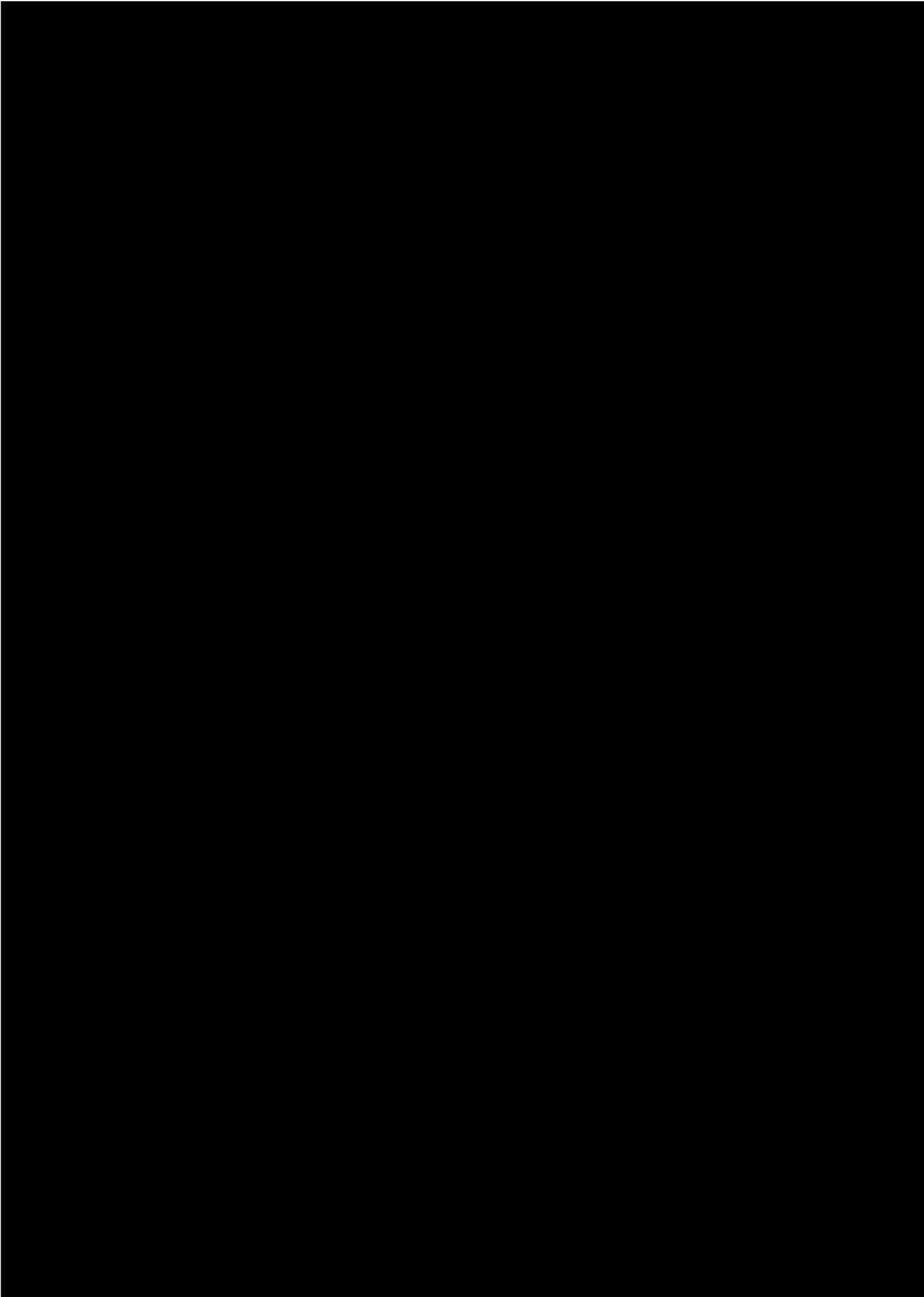


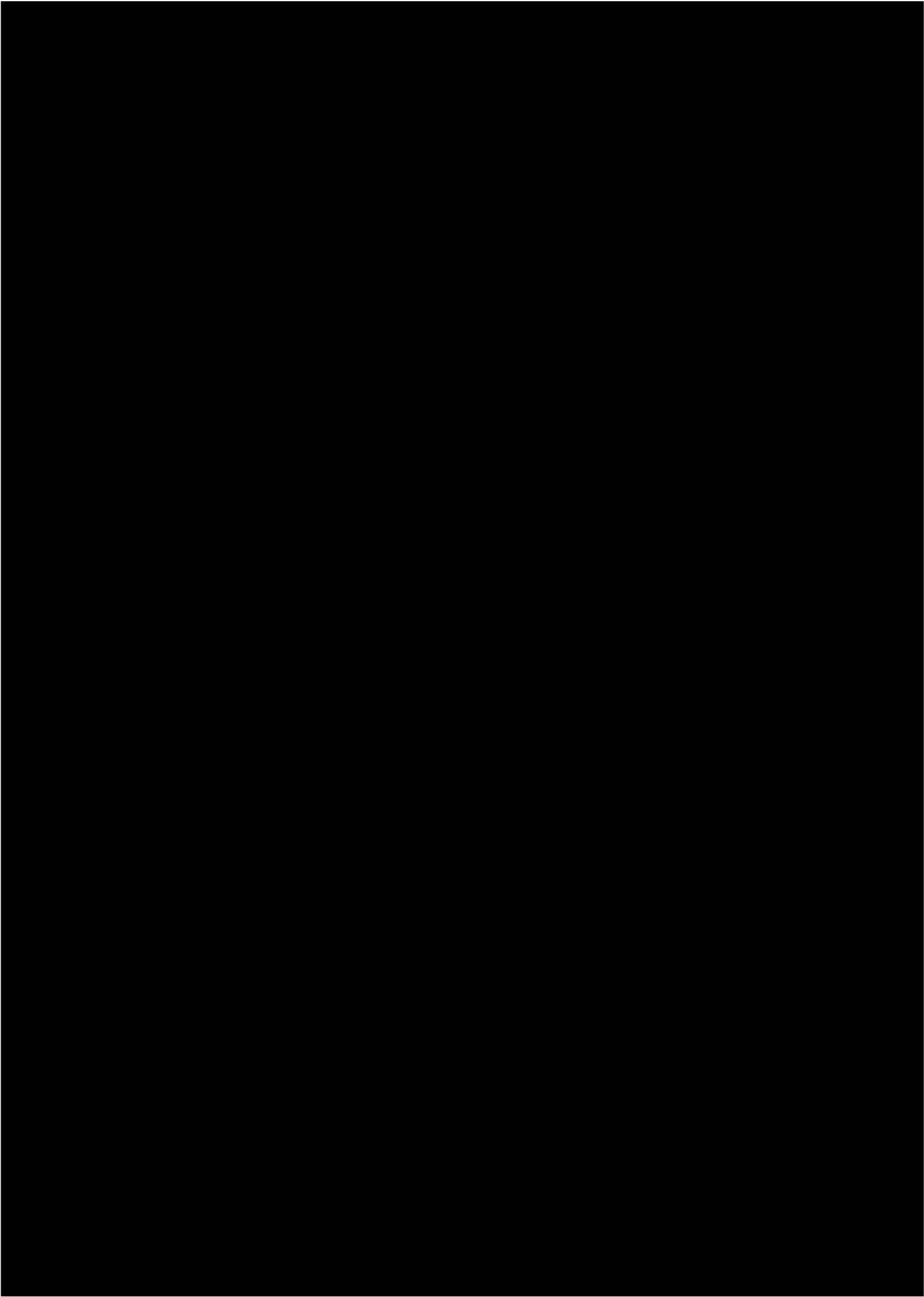
Filed By
Samantha Sutton Chief Clerk

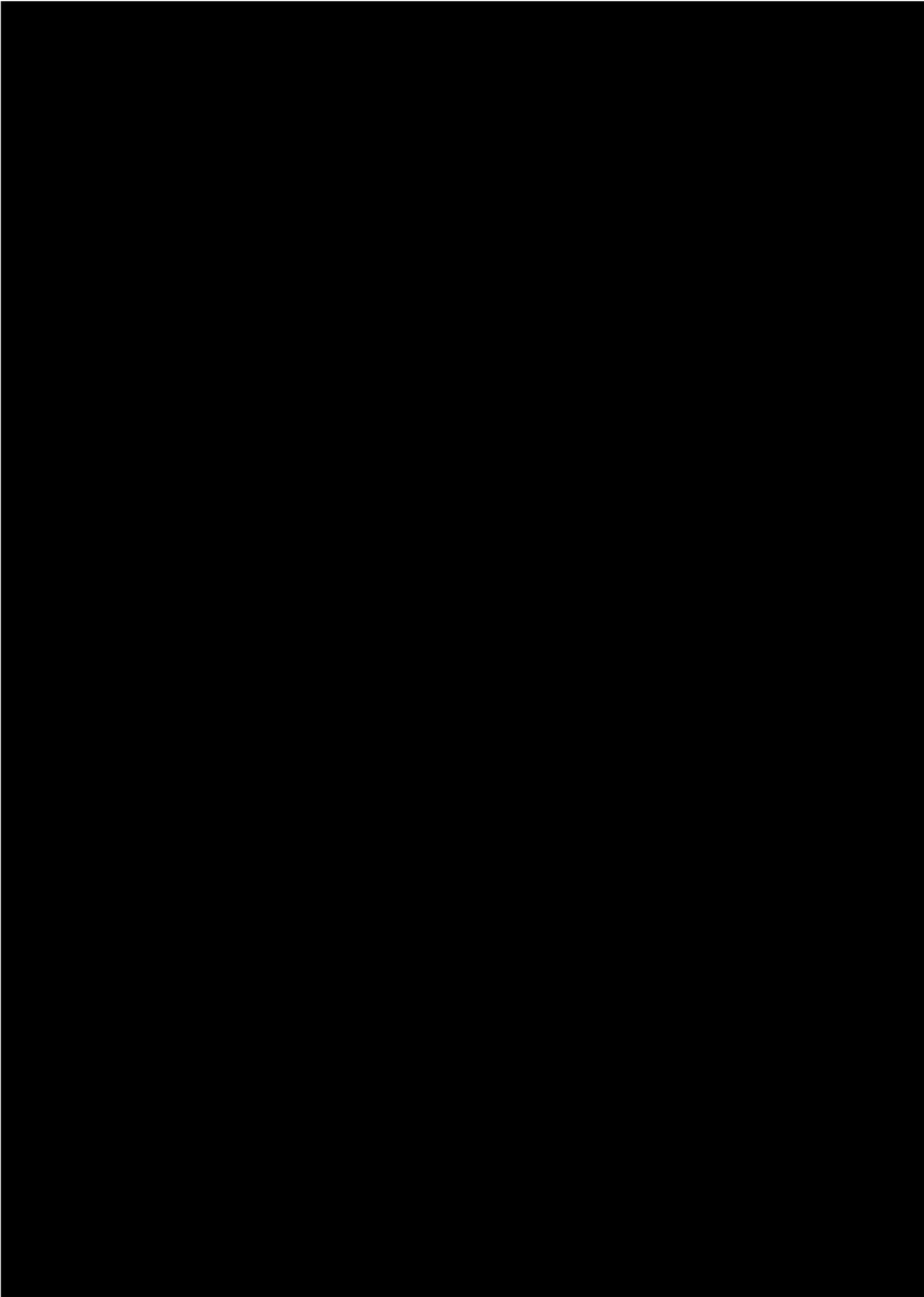
FEB 10 2025

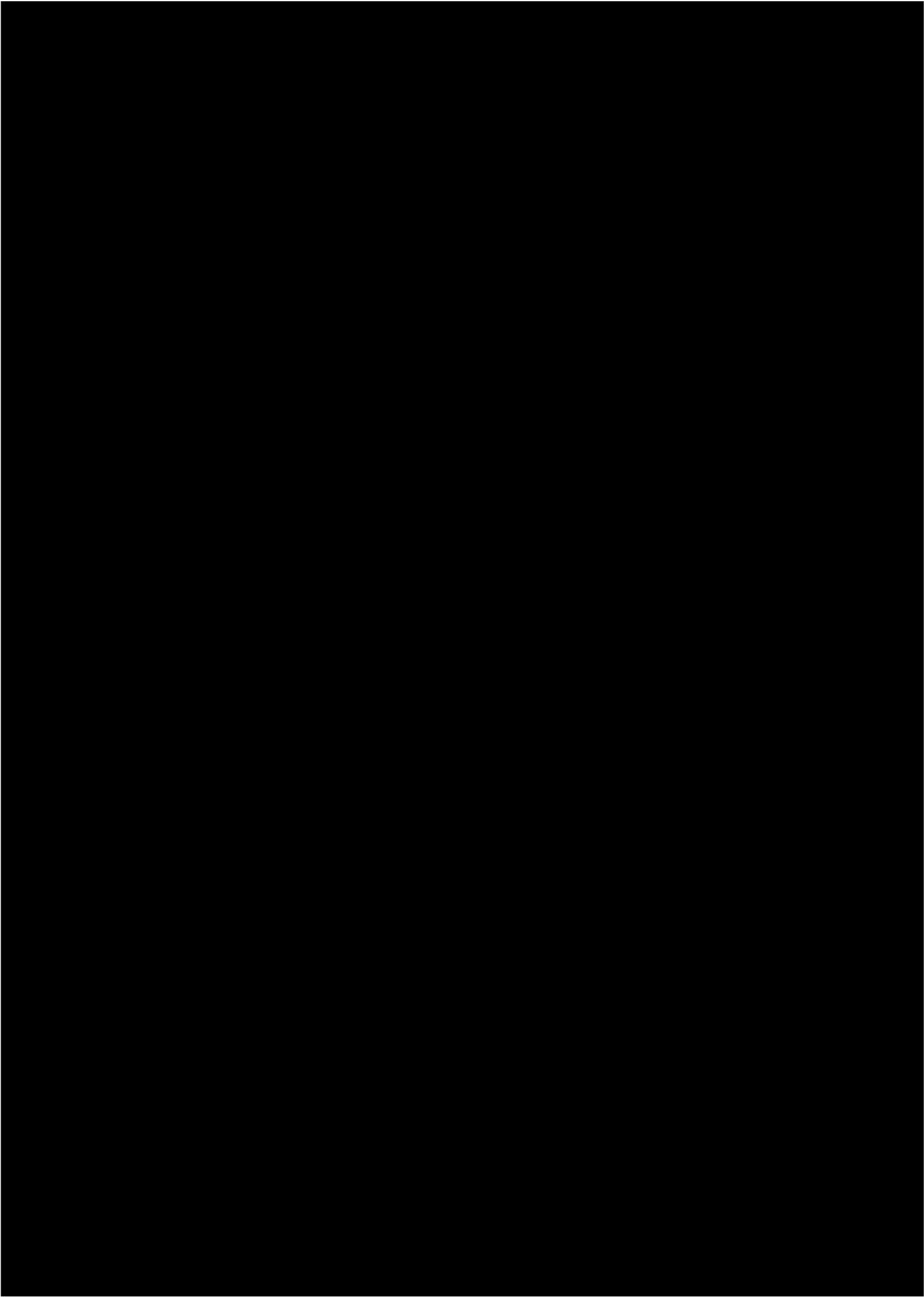
Ashley County District Court
Crossett Division

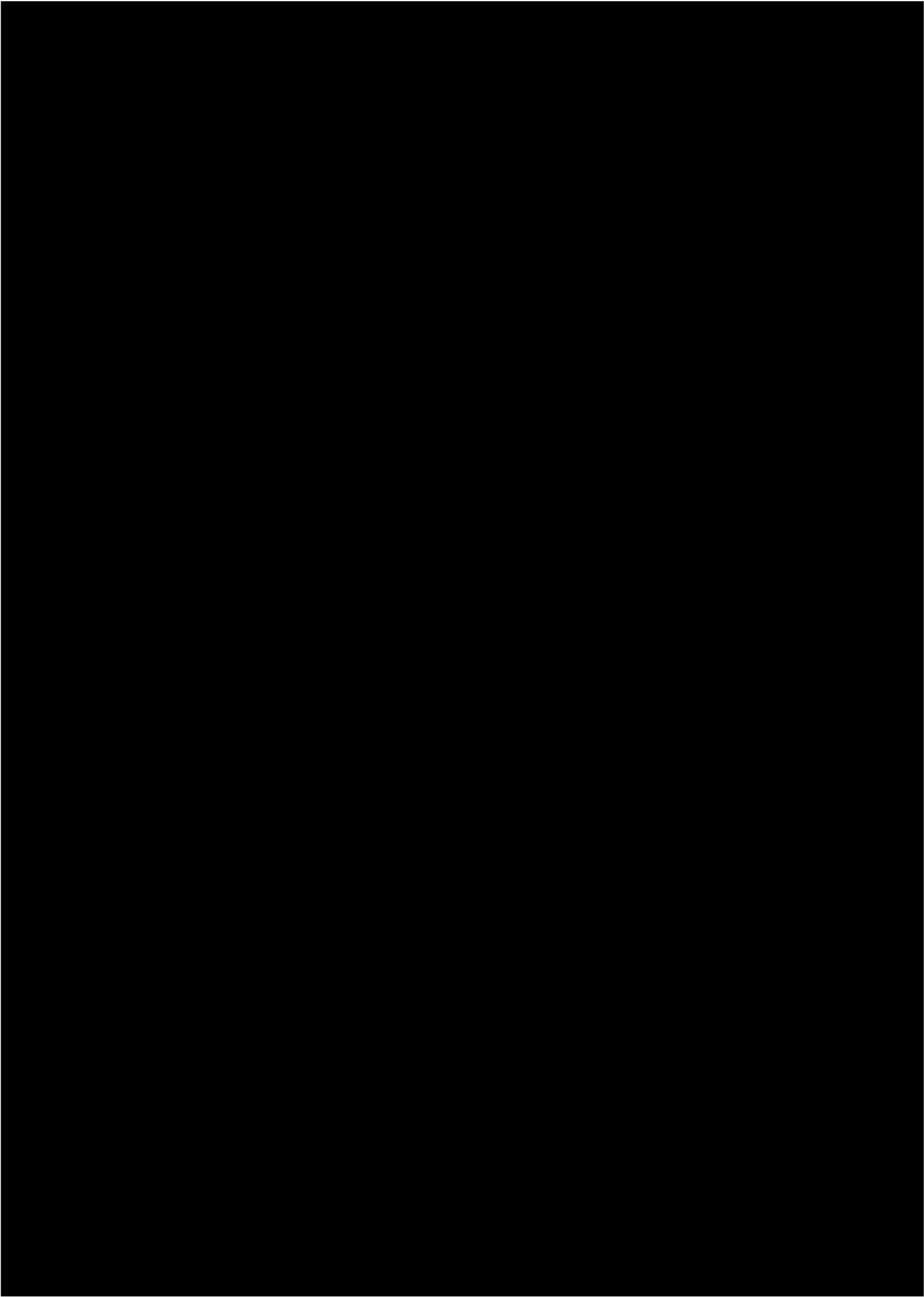












Saint Louis COUNTY ELECTION BOARD

SUNSHINE INFORMATION REQUEST FORM

This form must be returned:

BY EMAIL - boecabsentee@stlouiscountymo.gov
BY FAX - 314.615.1998 OR
IN PERSON or **BY MAIL** to 725 Northwest Plaza Drive, St. Ann, MO 63074

Note: Election and voter records maintained by this office are open to public inspection. Missouri's Sunshine Law reads, in part: "Except as otherwise provided by law, ... all public records of public governmental bodies shall be open to the public for inspection and copying as set forth in sections 610.023 to 610.026, ..."

I hereby request the Board of Election Commissioners to provide me with the following St. Louis County records as stated below:

Requestor's Name: Game Warden Stephanie Carter (Arkansas Game & Fish Commission)			
Address:	[REDACTED]	City:	[REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Phone Number:	[REDACTED]	Email:	stephanie.carter@agfc.ar.gov
Signature	<i>Stephanie Carter</i>		Date of Request: 7/31/23

<small>Information requested pertaining to an individual voter</small>	
Voter's Name: Andrew D. Simpson	Voter's Date of Birth: [REDACTED]
Voter's Last Known Address: [REDACTED]	
Requested Information: Voters history, active or not, registration date, all info on subject <small>(Example: Voter's registration date, current and/or previous addresses, voter history, etc.)</small>	

<small>Information requested pertaining to a district, precinct or voting location</small>
Election Date:
District/Precinct/Voting Location:
Requested Information:

<small>Other or additional information requested (please be specific with information regarding the request):</small>
Any information showing that Mr. Simpson is a Missouri resident.

For more information, email boecabsentee@stlouiscountymo.gov or call 314.615.1833 / RelayMO711 or 800.735.2966.

Revised 6/23/2021

Filed By
Samantha Sutton Chief Clerk

FEB 18 2025

Ashley County District Court
Crossett Division

STATE OF MISSOURI
COUNTY OF ST. LOUIS

AFFIDAVIT OF CUSTODIAN OF RECORDS

Before me, the undersigned authority, personally appeared Julie Leicht who, being by me duly sworn, deposed as follows:

My name is Christian Tolbert (affiant), I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

1. I am the custodian of records for St. Louis County Board of Elections ("BOE").
2. Attached hereto are 3 page(s) of records of Voter Registration and Current and Previous Addresses for Andrew Simpson.
3. This/these 3 page(s) of records are kept by BOE in the regular course of business, and it was the regular course of business of BOE for any employee or representative of BOE with knowledge of the act, event, condition, opinion, or transactions to make the record or transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion or diagnosis.
4. The record(s) attached hereto are the original or exact duplicates of the original.

Christian Tolbert
Affiant

In witness whereof I have hereunto subscribed my name and affixed my official seal this 1st day of August, 2023.

Katie Ann Hutson
Notary Public
Printed Notary Name: Katie Ann Hutson

My commission expires:



Filed By
Samantha Sutton Chief Clerk

FEB 18 2025

Ashley County District Court
Crossett Division

ROBERT L. CHAMBERS
Chair

MARSHA E. HAEFNER
Commissioner

RICK STREAM
Director of Elections

Saint Louis
COUNTY
ELECTION BOARD

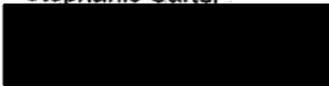
PATRICIA YAEGER
Secretary

FLORENCE HILL
Commissioner

ERIC FEY
Director of Elections

August 1, 2023

Stephanie Carter

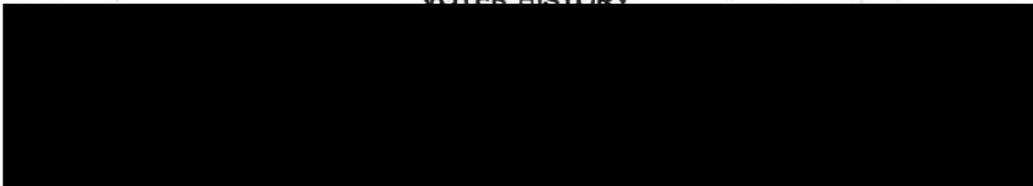


Dear Stephanie,

As Custodian of Records for the St. Louis County Board of Election Commissioners, I am responding to your Open Records Request pertaining to Voter History and Voter Registration for Andrew Dean Simpson.

ADDRESS	DATE OF REGISTRATION
[REDACTED]	[REDACTED]

VOTER HISTORY



If you have any questions regarding your Open Records Request, please feel free to contact me.

Sincerely,

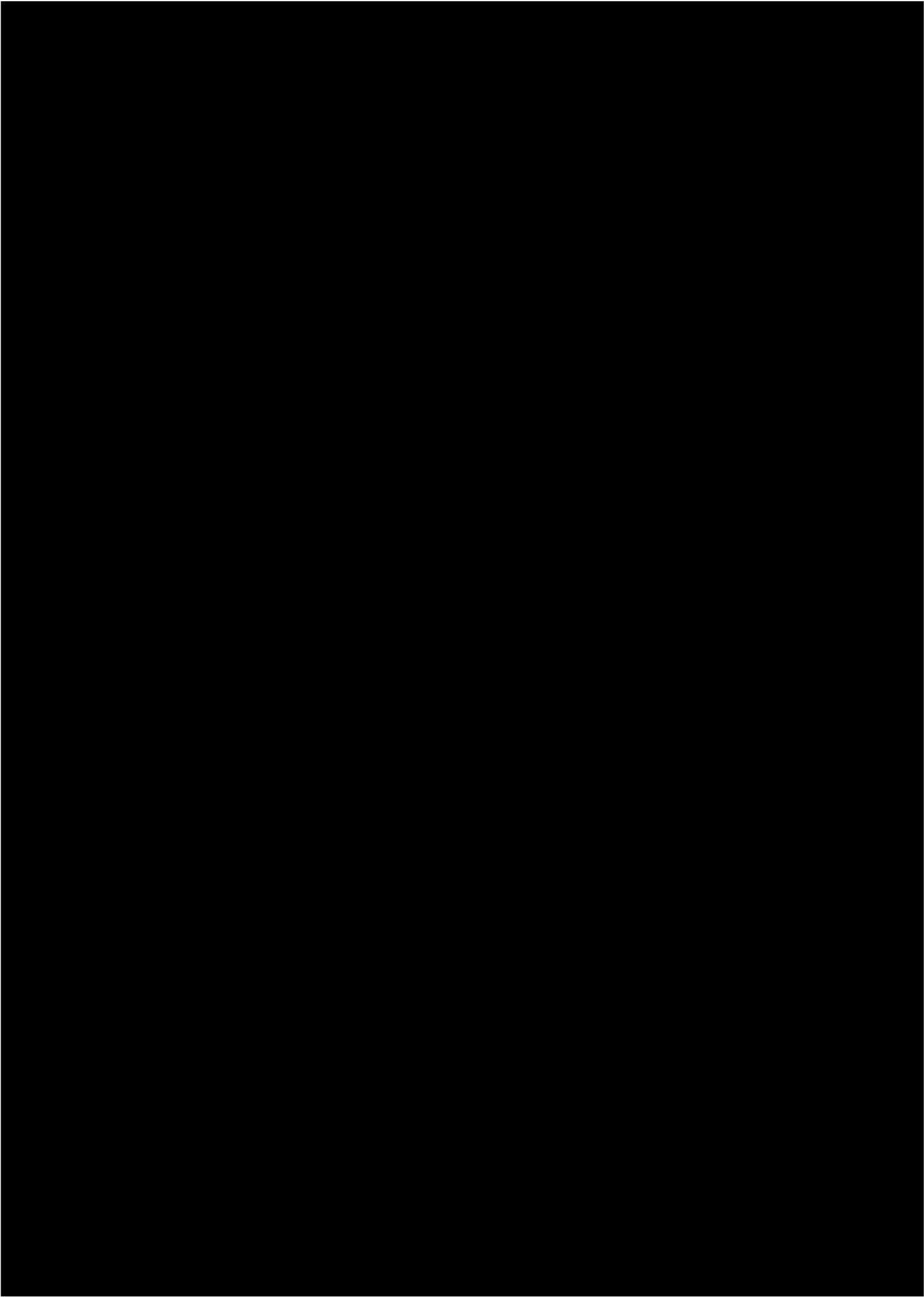
Christian Tolbert
Custodian of Records
314-615-1853

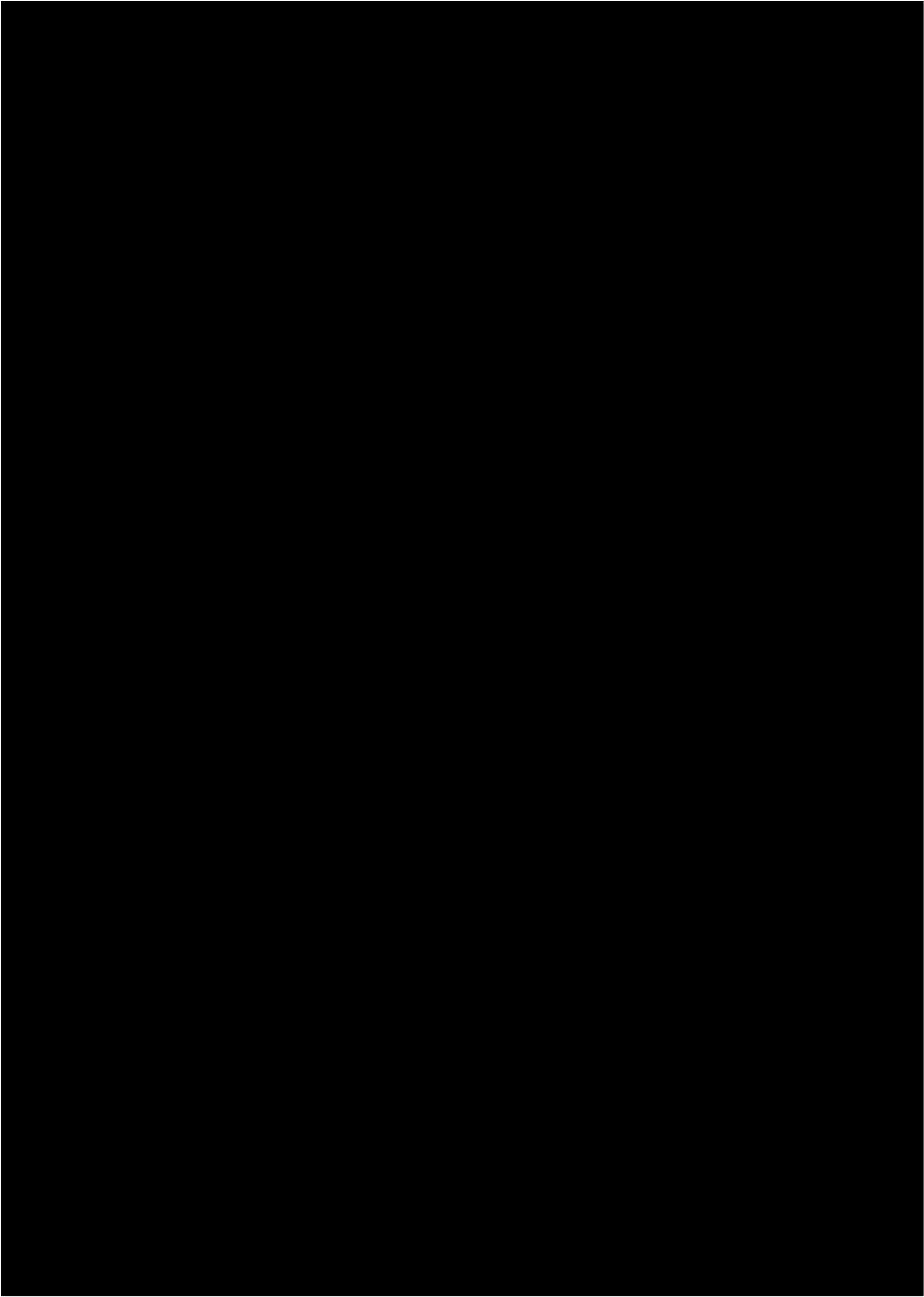
BOARD OF ELECTION COMMISSIONERS
725 Northwest Plaza Drive • St. Ann, MO 63074 • PH 314/615-VOTE • FAX 314/615-1999
Relay MO 711 or 800-735-2968 • web www.stlouiscountymovotes.gov

Filed By
Samantha Sutton, Chief Clerk

FEB 18 2025

Ashley County District Court
Crossett Division





ARKANSAS CLAIMS COMMISSION

COMPLAINT NO. _____

DAMAGES CAUSED BY ARKANSAS COURT OF APPEALS

Arkansas
State Claims Commission
MAR 17 2025
RECEIVED

CASE NO. CV-23_363

IN THE SUPREME COURT OF THE STATE OF ARKANSAS

From Ashley County Circuit Court

Case No. 02CV-21-86

PRESIDING JUDGE: ROBERT BYNUM 111

Andrew Simpson, Appellant

V.

CARL DAVIS d/b/a DAVIS CONSTRUCTION CO. Defendant, And THOMAS J. VILSACK, in his official Capacity as Secretary of Agriculture, and TOMMY JAMES, in his official capacity Defendant,

NOTICE OF APPEAL

COMES NOW, Andrew Simpson, Plaintiff, in the above caption case No. CV-23-363, respectfully Notice the Arkansas Supreme Court that Appellant, Andrew Simpson, is appealing an order issued by Arkansas Supreme Court issued by LETTER ORDERS – Supreme Court on March 06, 2025(Exh. A).

The order issued on January 31, 2023, by the Ashley County Circuit Court, main points of appeal include alleged violations of the U.S. Constitution, Arkansas Rules of Civil Procedure, and claims of fraud and improper attorney withdrawal.

Andrew Simpson, the appellant, has raised several allegations regarding the denial of legal representation in my appeal against the summary judgment issued by the Ashley County Circuit Court. The primary points include:

1. **A denial to Due Process Violations:** The Notice of Appeal contends that his due process rights were infringed upon. Appellant argues that the court failed to provide necessary documentation and improperly proceeded without his attorney. Denial of Legal Representation: Appellant claims that I was denied attorney representation, which he believes is a violation of his constitutional rights. (ROA at Volume 11 p.1)
2. **Proceeding Without Attorney:** Appellant contends that the Circuit Court of Ashley County improperly proceeded without my attorney, which Appellant argues violated my due process rights. (ROA at____)

These allegations are central to Appellant's appeal, as they significantly impacted on the fairness and integrity of the judicial process.

1. **Improper Attorney Withdrawal:** Appellant claims that his attorney was improperly withdrawn from the case without his consent, which he believes was a fraudulent act that deprived him of adequate legal representation. (Trans. P.____)

Failure to Provide Certified Remand Letter: Appellant alleges that the Circuit Court of Ashley County failed to provide a certified remand letter as required, which I view as a fraudulent omission that hindered my ability to appeal effectively. No Certified Remand letter was included in Record on Appeal.

Andrew Simpson, the appellant, has raised several allegations of fraud in my appeal against the summary judgment issued by the Ashley County Circuit Court. The primary fraud allegations include:

1. **Fraud on the Court:** Appellant contends that there was fraud on the court, which significantly impacted the fairness and integrity of the judicial process. I argue that the court's actions were influenced by fraudulent activities, leading to an unjust outcome.
2. **Attorney Withdrawal:** The appellant asserts that the attorney was withdrawn from the case without his consent, which he claims deprived him of adequate legal representation.

Prayer for Relief:

Andrew Simpson requests the court to grant the rescission of the contract. Reconsider, **Order issued on March 6, 2025**, by Arkansas Court of Appeal, stating; “the filing for a Notice of Appeal to the State of Arkansas Supreme Court was Moot.” I, Andrew Simpson, argue that my due process rights were violated, I was denied attorney representation, and there was fraud on the court.

Respectfully Submitted

Andrew Simpson

From: [ASCC New Claims](#)
To: Kyle.Burton@arcourts.gov
Cc: [Kathryn Irby](#)
Subject: CLAIM: Andrew Simpson v. Arkansas Court of Appeals, Claim No. 251345
Date: Tuesday, April 8, 2025 2:29:00 PM
Attachments: [Andrew Simpson v. Arkansas Court of Appeals.pdf](#)
[Andrew Simpson Claim form and supporting docs \(combined\) - 251345.pdf](#)

Dear Mr. Burton,

Please confirm receipt of the attached claim file. The agency may file its response to this claim electronically by sending it to ascpleadings@arkansas.gov, with a copy to the claimant pursuant to the Arkansas Rules of Civil Procedure.

Please contact Kathryn Irby with any questions.

Thank you,
Caitlin

Caitlin McDaniel
Administrative Specialist II
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

April 8, 2025

Mr. Kyle E. Burton
Arkansas Supreme Court and Court of Appeals
625 Marshall Street, Suite 130
Justice Building
Little Rock, Arkansas 72201

(via email)

RE: ***Andrew Simpson v. Arkansas Court of Appeals***
Claim No. 251345

Dear Mr. Burton,

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

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

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Andrew Simpson, *Claimant* (w/o encl.)

From: [Kyle E. Burton](#)
To: [ASCC New Claims](#)
Cc: [Kathryn Irby](#)
Subject: RE: CLAIM: Andrew Simpson v. Arkansas Court of Appeals, Claim No. 251345
Date: Tuesday, April 8, 2025 3:04:25 PM

Received. Thank you!

Kyle E. Burton, Clerk
Arkansas Supreme Court
and Court of Appeals
625 Marshall Street
Little Rock, AR 72201
(501) 682-4405

From: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Sent: Tuesday, April 8, 2025 2:30 PM
To: Kyle E. Burton <Kyle.Burton@arcourts.gov>
Cc: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: CLAIM: Andrew Simpson v. Arkansas Court of Appeals, Claim No. 251345

Dear Mr. Burton,

Please confirm receipt of the attached claim file. The agency may file its response to this claim electronically by sending it to ascpleadings@arkansas.gov, with a copy to the claimant pursuant to the Arkansas Rules of Civil Procedure.

Please contact Kathryn Irby with any questions.

Thank you,
Caitlin

Caitlin McDaniel
Administrative Specialist II
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

Arkansas
State Claims Commission

APR 10 2025

RECEIVED

Andrew Simpson .

Email -



From: [ASCC New Claims](#)
To: ["Kyle.Burton@arcourts.gov"](mailto:Kyle.Burton@arcourts.gov)
Cc: [Kathryn Irby](#)
Subject: ADD"L DOC REC"D: Andrew Simpson v. Arkansas Court of Appeals, Claim No. 251345
Date: Friday, April 18, 2025 10:04:00 AM
Attachments: [Andrew Simpson Email Update - 251345.pdf](#)

Dear Mr. Burton,

Please confirm receipt of the attached email update which were sent to the Claims Commission by the claimant after the claim was transmitted to the Arkansas Court of Appeals.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

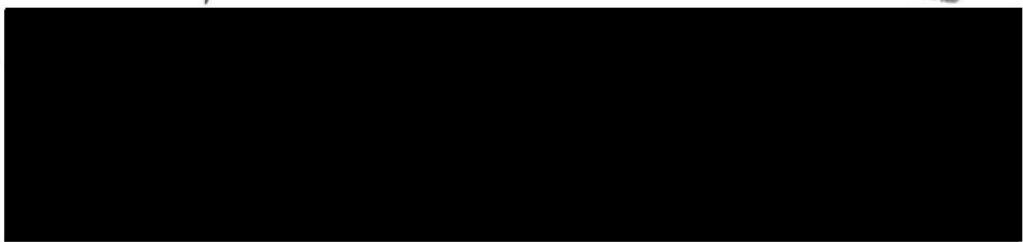
Arkansas
State Claims Commission

APR 10 2025

RECEIVED

Andrew Simpson .

Email -



From: [Sean Rowland](#)
To: [ASCC Pleadings](#)
Cc: [Shannon Keele](#)
Subject: Simpson v. Ark. Court of Appeals - Claim 251345
Date: Tuesday, April 29, 2025 10:26:40 AM
Attachments: [Outlook-ukas51bi.png](#)
[25.04.24 - Notice of Appearance Simpson FINAL.pdf](#)
[25.04.29 Simpson MTD FINAL.pdf](#)
[25.04.29 Simpson MTD BIS FINAL.pdf](#)

Good morning,

Attached is my Entry of Appearance along with Respondent's MTD and Brief in Support of its MTD.

Thank you,
Sean

Sean M. Rowland
Assistant Attorney General – Civil Litigation Division

Office of Attorney General Tim Griffin
Office: (501) 295-7486
323 Center Street, Suite 200 | Little Rock, Arkansas 72201
Email: sean.rowland@arkansasag.gov



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

ANDREW SIMPSON

CLAIMANT

v.

CLAIM NO. 251345

ARKANSAS COURT OF APPEALS

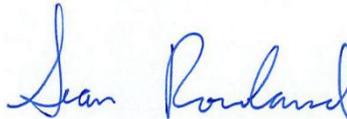
RESPONDENT

ENTRY OF APPEARANCE

Assistant Attorney General Sean M. Rowland respectfully submits his entry of appearance on behalf of Respondent, the Arkansas Court of Appeals. Complete contact information for the undersigned counsel is included in the signature block below.

Respectfully submitted,

TIM GRIFFIN
Attorney General



By: _____
Sean M. Rowland, AR Bar 2024192
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 295-7486
Fax: (501) 682-2591
Email: sean.rowland@arkansasag.gov

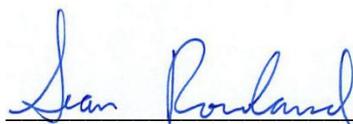
Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Sean M. Rowland, hereby certify that on April 29, 2025, I electronically filed the foregoing with the Arkansas State Claims Commission via ASCCPleadings@arkansas.gov and mailed the foregoing document by U.S. Postal Service to the following non-electronic filing participant:

Andrew Simpson

██████████
██████████



Sean M. Rowland

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

ANDREW SIMPSON

CLAIMANT

v.

CLAIM NO. 251345

ARKANSAS COURT OF APPEALS

RESPONDENT

MOTION TO DISMISS

COMES NOW Respondent, the Arkansas Court of Appeals, by and through its attorneys, Attorney General Tim Griffin and Assistant Attorney General Sean M. Rowland, and for its Motion to Dismiss, states:

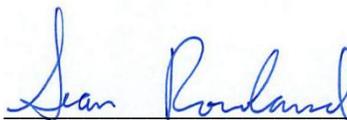
1. Claimant filed his Complaint with the Arkansas State Claims Commission on or about March 10, 2025.
2. Claimant alleges that Respondent violated Arkansas' Rules of Civil Procedure by denying his motion for relief from judgment in the Ashley County Circuit Court thereby violating his constitutional right to due process.
3. Claimant's allegations seek monetary relief.
4. Claimant's Complaint fails to sufficiently allege a cause of action as required under Arkansas' fact-pleading standard, and it should be dismissed under Arkansas Rule of Civil Procedure 12(b)(6).
5. Claimant's Complaint is also barred under absolute judicial immunity.
6. Therefore, Respondent's Motion to Dismiss should be granted, and Respondent is entitled to judgment as a matter of law.

7. Respondent has filed a brief in support contemporaneously with this Motion and incorporates said brief herein.

WHEREFORE, Respondent, the Arkansas Court of Appeals, prays that Respondent's Motion to Dismiss is granted, and that the Court grant any and all other just and proper relief to which it may be entitled.

Respectfully submitted,

TIM GRIFFIN
Attorney General



By: Sean M. Rowland, AR Bar 2024192
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 295-7486
Fax: (501) 682-2591
Email: sean.rowland@arkansasag.gov

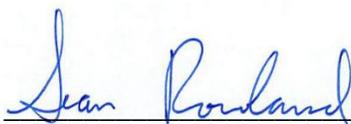
Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Sean M. Rowland, hereby certify that on April 29, 2025, I electronically filed the foregoing with the Arkansas State Claims Commission via ASCCPleadings@arkansas.gov and mailed the foregoing document by U.S. Postal Service to the following non-electronic filing participant:

Andrew Simpson

██████████
██████████



Sean M. Rowland

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

ANDREW SIMPSON

CLAIMANT

v.

CLAIM NO. 251345

ARKANSAS COURT OF APPEALS

RESPONDENT

RESPONDENT’S BRIEF IN SUPPORT OF MOTION TO DISMISS

Introduction and Background

On March 10, 2025, Claimant, Andrew Simpson, filed his Complaint against the Arkansas Court of Appeals with the Arkansas State Claims Commission. In the Complaint, Claimant alleges that on either July 19, 2023, or July 19, 2024, Respondent, the Arkansas Court of Appeals, “refused to follow Order issued by United States Western Arkansas District Judge Susan Hickey” thereby violating Claimant’s rights and causing him injury. Compl. at 1, 5–6. The Order from Judge Hickey in the Western District of Arkansas dictated that “further issues” of the case before her would be “resolved in Ashley County Circuit Court” in Arkansas. Compl. at 4–5. According to Claimant, Respondent’s violation of his rights caused him injury in “excess of 1 million dollars.” Compl. at 2.

Claimant’s action should be dismissed for two reasons. First, a challenge to a ruling of the Arkansas Court of Appeals from the exercise of their judicial function is barred by judicial immunity. Second, he fails to state a cognizable claim, even when liberally interpreting his complaint.

Legal Standard

Arkansas Claims Commission Rule 8.1 states, “The Rules of Civil Procedure as adopted by the Circuit Courts of the State of Arkansas will apply in the Arkansas Claims Commission unless the Rules of Practice and Procedure of the Arkansas State Claims Commission are to the contrary in which cases these rules shall take priority.” Arkansas Rule of Civil Procedure 12(b)(6) governs a failure to state a claim.

When asserting a claim, a complaint must state facts indicating that “the pleader is entitled to relief.” Ark. R. Civ. P. 8(a). But courts distinguish between facts and conclusions, requiring that “a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief.” *Branscumb v. Freeman*, 2009 Ark. App. 857, 3, 372 S.W.3d 843, 846. A motion to dismiss permits a defendant to challenge not only the “factual sufficiency of the complaint” but also the “legal sufficiency of the complaint, that is, whether the substantive law affords relief. . . .” *Orr v. Calicott*, 832 S.W.2d 492, 493–94, 310 Ark. 11, 14 (1992). “The court will look to the underlying facts supporting an alleged cause of action to determine whether the matter has been sufficiently pled.” *Perry v. Baptist Health*, 358 Ark. 238, 242, 189 S.W.3d 54, 56 (2004). Accordingly, a complaint survives a motion to dismiss, under Rule 12(b)(6), only when the facts reveal a cognizable claim and the facts, if proven, would entitle the plaintiff to relief. *Arkansas State Claims Comm’n v. Duit Const. Co.*, 2014 Ark. 432, at 8, 445 S.W.3d 496, 502–03.

Argument

I. Claimant’s challenge to Respondent’s exercise of judicial action in its Formal Order is barred by judicial immunity.

Judicial immunity is absolute immunity from suit. *Blevins v. Hudson*, 2016 Ark. 150, at 4, 489 S.W.3d 165, 168. State court judges have judicial immunity for actions taken in the execution of their judicial duties. *Hall v. Jones*, 2015 Ark. 2, at 3, 453 S.W.3d 674, 676. A judge has a duty

“to decide all cases within the judge’s jurisdiction, including cases that evoke intense feelings in the litigants, and that the judge should not have to fear that dissatisfied persons will proceed against the judge with litigation.” *Id.* at 3, 453 S.W.3d at 676. The reasoning for judicial immunity is to “maintain an independent and impartial judiciary.” *Blevins*, 2016 Ark. at 5, 489 S.W.3d at 168. The two-part test for judicial immunity “requires that [the court] determine whether the judges named by appellant...had subject-matter jurisdiction to act on the pleadings that he filed...and whether the acts about which the appellant complains were judicial acts.” *Peterson v. Judges of Jefferson County Circuit Court*, 2014 Ark. 228, at 4.

To the extent Claimant alleges that the judges on the Arkansas Court of Appeals acted improperly in ruling on his proceedings before the court, the allegations are barred by judicial immunity. In *Peterson*, suit was brought against county judges for the alleged denial of rights and to collaterally attack the correctness of the rulings on the matters before the judges along with the decisions of the Arkansas Supreme Court in affirming those rulings on appeal. *Id.* at 3. The Arkansas Supreme Court held that it was “clear from the record that the petition is without merit, and it was barred as a matter of law” based upon judicial immunity. *Id.* at 3. The Arkansas Supreme Court supported its holding through its rationale that “[c]learly, the judges had subject-matter jurisdiction to hear the pleadings filed by appellant and to render a decision in their judicial capacities.” *Id.* at 4.

Applying the same analysis from *Peterson* results in a similar conclusion as to Claimant’s allegations. Here, Claimant alleges that the Arkansas Court of Appeals “refused to follow [the] Order issued by...Judge Susan Hickey.” Compl. at 5–6. Claimant included, as an exhibit to his Complaint, the Formal Order issued by the Arkansas Court of Appeals that appears to be at the center of his claim. Compl. at 20. In the Formal Order, the Arkansas Court of Appeals granted

Claimant's request to extend the time permitted to file his appellate brief and denied both his request to accelerate proceedings and his request to file for relief from judgment based upon fraud in the Ashley County Circuit Court. *Id.* However, the Arkansas Court of Appeals' rulings on Claimant's three motions fall well within the two-part test stated in *Peterson*. First, the court had subject-matter jurisdiction over Claimant's case in order to rule on his motions. Arkansas Supreme Court Rule 1-2(a) states that, "All cases appealed shall be filed in the Court of Appeals" except for an enumerated list of cases that "shall be filed in the Supreme Court." Claimant's appeal of his contract dispute does not fall within any of the enumerated instances where the appeal is required to be heard by the Arkansas Supreme Court. *See Ark. Sup. Ct. R. 1-2(a).*

Furthermore, the Arkansas Court of Appeals rendered its decision within its judicial capacity. The factors used to determine whether an act is judicial for purposes of judicial immunity are: "(a) the need to assure that the individual can perform his functions without harassment or intimidation; (b) the presence of safeguards that reduce the need for private-damages actions as a means of controlling unconstitutional conduct; (c) insulation from political influence; (d) the importance of precedent; (e) the adversary nature of the process; and (f) the correctability of error on appeal." *Blevins*, 2016 Ark. at 5, 489 S.W.3d at 168–69. Similar to *Blevins*, it is clear that there is a need for judges to be free from harassment and intimidation and insulated from political influence when they enter orders. Additionally, the court proceedings, including Claimant's motions, were part of an adversarial process where errors made by the Arkansas Court of Appeals could be corrected through an appeal. Given that the judges of the Arkansas Court of Appeals had subject-matter jurisdiction and acted within their judicial capacities, the Arkansas Court of Appeals is absolutely immune from Claimant's allegations.

II. If this Claims Commission finds that the Complaint is not barred by judicial immunity, the Complaint should be dismissed for a failure to plead sufficient facts showing that the Respondent committed any specific wrongdoing.

Arkansas Rule of Civil Procedure 10(c) states that copies “of any written statement which is an exhibit to a pleading is part thereof for all purposes.” The definition of “pleading” is considered to include complaints. *Hotfoot Logistics, LLC, v. Shipping Point Marketing, Inc.*, 2013 Ark. 267, at 4. Thus, when a written instrument is an exhibit to a complaint, under Rule 10(c), it “may be considered in a motion to dismiss as if it were part of the complaint....” *Martin v. Equitable Life Assurance Society of the U.S.*, 344 Ark. 177, 183, 40 S.W.3d 733, 738 (2001).

Even considering the written instruments attached as exhibits to the Complaint, Claimant fails to state a claim upon which relief can be granted, and the Complaint should be dismissed under Ark. R. Civ. P. 12(b)(6). Claimant names the Arkansas Court of Appeals as the only Respondent in the instant action. Compl. at 1. Yet, the sole allegation provided in his Complaint summarily states that, “On July 19, 2024, Judge Robert Gibson (Ashley County Circuit Court), in concert with Judge Kenneth Hixson, (Arkansas Supreme Court of Appeals) refused to follow Order issued by United States Western Arkansas District Judge Susan Hickey (Exh. C p. 5,6).” Compl. at 5; Compl. at 5–6 (providing a different exhibit reference to pages seven through nine of Exhibit C).

Claimant includes various written instruments as part of what he marks as Exhibit C. On page five of Exhibit C, Claimant provides an Ashley County Circuit Court Order denying his Motion for Reconsideration in a contract dispute case. Compl. at 19. Page six of Exhibit C provides Respondent’s Formal Order regarding numerous motions filed by Claimant in the appeal of the same contracts case. Compl. at 20. In its Formal Order, Respondent granted Claimant’s request to extend the time to submit his brief and denied both his request for leave to file relief from judgment

in the circuit court and his request for accelerated proceedings. Compl. at 20. Meanwhile, pages seven through nine of Exhibit C are the Order by Western District of Arkansas Judge Susan Hickey. Compl. at 21–23. The Order outlined the procedural history of the contract dispute and stated that the case should be remanded to the Ashley County Circuit Court after all claims against United States Department of Agriculture were dismissed. Compl. at 22.¹

The documents in Claimant’s Exhibit C do not support his allegations of Respondent’s wrongdoing. As stated above, Judge Hickey’s Order simply denied Claimant’s request to “void” the court’s previous order “dismissing all claims over which the Court had original jurisdiction and remanding the remaining state-law claims to the Ashley County Circuit Court for ‘fraud’....” Compl. at 22–23. Claimant fails to point to a clear directive from Judge Hickey imposing any certain obligation on Respondent. Judge Hickey was not remanding the case to the Arkansas Court of Appeals. Instead, it was remanded to the Ashley County Circuit Court. Compl. at 22–23. Furthermore, Claimant fails to state how Respondent’s Formal Order, granting in part and denying in part his requests for an extension in briefing time, accelerated proceedings, and the ability to file a motion for relief from judgment before the Ashley County Circuit Court, “refused to follow” Judge Hickey’s Order. Compl. at 5. Claimant also fails to provide facts to support how this purported failure to follow Judge Hickey’s Order resulted in a constitutional violation, harm, or injury that would result in a request for any relief—not to mention a request for relief “in excess of 1 million dollars.” Compl. at 2.

¹ Claimant had also requested that the Western District of Arkansas “void” its previous order, under FED. R. CIV. P. 60(b), dismissing the claims against the U.S. Department of Agriculture and remanding back to the Ashley County Circuit Court due to “fraud” committed by the misrepresentation of “facts in the present case.” However, the court held that it relinquished jurisdiction over the “conduct of other individuals in this case” after dismissing the claims against the U.S. Department of Agriculture and remanding the case back to state court, and it denied Claimant’s motion for relief from the court’s order. Compl. at 22–23.

Considering Claimant's other exhibits, those he does not specifically cite to in the numbered paragraph portion of his Complaint, he fails to state facts to support a claim against Respondent. The remaining exhibits have no explicit or implicit relation to Respondent. Large portions of Claimant's Complaint, the entirety of his second "Complaint," along with many pages of exhibits appear to allege an illegal or unauthorized investigation commenced by the Arkansas Game and Fish Commission into Claimant's Arkansas resident fishing license. Compl. at 4-9, 24-39. Yet, other portions of his Complaint and exhibits reference and discuss a wholly separate probate matter in which Claimant alleges he was improperly discharged as the Administer of the estate, among other things. Compl. at 4-6, 10-14. While Claimant appears to allege that the Arkansas Game and Fish investigation impacted the probate case, Compl. at 5 ("The consequence of illegal investigation is a denial to access Arkansas Supreme Court Rule 60(c)(4) in [the probate case] and forced to hire a lawyer...."), he states no facts showing the relevance to the actions taken by Respondent in the contract dispute case. Thus, since Respondent is only briefly mentioned in the Complaint without facts in either the body of the Complaint or its exhibits to show how Respondent committed any wrongdoing against Claimant, this claim should be dismissed under Ark. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

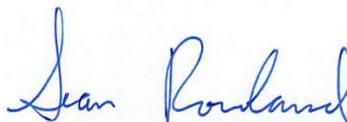
II.

Conclusion

For the reasons stated above, the Commission should dismiss the claim, because it does not allege facts that would entitle Claimant to any recovery.

Respectfully submitted,

TIM GRIFFIN
Attorney General



By: Sean M. Rowland, AR Bar 2024192
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 295-7486
Fax: (501) 682-2591
Email: sean.rowland@arkansasag.gov

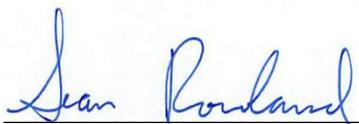
Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Sean M. Rowland, hereby certify that on April 29, 2025, I electronically filed the foregoing with the Arkansas State Claims Commission and served a copy of same via the U.S. Postal Service to the following person:

Andrew Simpson

██████████
██████████



Sean M. Rowland

From: [SaBreana Hyche](#)
To: [REDACTED]
Subject: FW: Simpson v. Ark. Court of Appeals - Claim 251345
Date: Monday, May 5, 2025 2:53:00 PM
Attachments: [Outlook-ukas51bi.png](#)
[25.04.24 - Notice of Appearance Simpson FINAL.pdf](#)
[25.04.29 Simpson MTD FINAL.pdf](#)
[25.04.29 Simpson MTD BIS FINAL.pdf](#)

Please see attached per your request.

From: Sean Rowland <sean.rowland@arkansasag.gov>
Sent: Tuesday, April 29, 2025 10:27 AM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Shannon Keele <shannon.keele@arkansasag.gov>
Subject: Simpson v. Ark. Court of Appeals - Claim 251345

Good morning,

Attached is my Entry of Appearance along with Respondent's MTD and Brief in Support of its MTD.

Thank you,

Sean

Sean M. Rowland

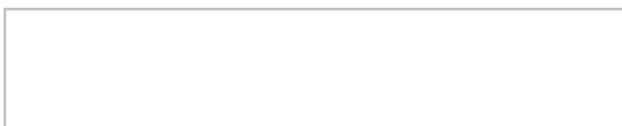
Assistant Attorney General – Civil Litigation Division

Office of Attorney General Tim Griffin

Office: (501) 295-7486

323 Center Street, Suite 200 | Little Rock, Arkansas 72201

Email: sean.rowland@arkansasag.gov



From: [SaBreana Hyche](#)
To: [Kathryn Irby](#)
Subject: Return Call Request
Date: Thursday, May 15, 2025 9:15:00 AM

Mr. Simpson, claim No. 251345, called May 5, 2025 inquiring to see if the Resp had responded to his claim. I told him they had and how the response was delivered to him. He stated he had not received anything and asked if it could be emailed to him. I did just that and noted it in the database. Mr. Simpson called again today stating that he still has not received anything from the Resp. and asked how many days do he have to reply. I told him that we follow the AR civil rules and procedures. He did state that his time is running out and he needs a time. I could not answer his question. I tried to transfer him to you and got your vm. I took his number and let him know that I am emailing you so that you may call him back with some definitive answer.

██████████

Thanks,
SaBreana
[SaBreana J. Hyche](#)
Arkansas State Claims Commission
Administrative Analyst
101 East Capitol Ave., Suite 410
Little Rock, AR 72201
501-682-2819 (wk)
SaBreana.Hyche@arkansas.gov

From: [REDACTED]
To: [ASCC Pleadings](#)
Subject: Fwd: RECENT FILINGS // Simpson, Andrew v. Arkansas Court of Appeals; ASCC Claim No. 251345
Date: Friday, May 16, 2025 2:12:45 PM
Attachments: [StaffImage_4dc58238aac74556b710d424d83fe4e4_638596135466369191_Screenshot_2024-08-18_162507.jpg](#)
[2025-04-29_OUT Encl LT Cl w NOA, MTD, BIS filed - Simpson.pdf](#)

You don't often get email from [REDACTED] [Learn why this is important](#)

Forwarded Conversation

Subject: RECENT FILINGS // Simpson, Andrew v. Arkansas Court of Appeals; ASCC Claim No. 251345

From: Shannon Keele <shannon.keele@arkansasag.gov>
Date: Fri, May 16, 2025 at 12:03 PM
To: [REDACTED]
Cc: Sean Rowland <sean.rowland@arkansasag.gov>

Good morning, Mr. Simpson.

Attached please find a copy of our April 29, 2025, correspondence, Notice of Appearance, Motion to Dismiss, and Brief in Support of Motion to Dismiss filed with the Claims Commission on April 29, 2025.

Pursuant to your phone conversation with Mr. Rowland, and with the understanding that you have not yet received that mail from our office, Mr. Rowland has agreed to give you 30 days from today's date for you to file your response to our Motion to Dismiss with the Claims Commission (response is due by June 16, 2025).

Please reply to this email and confirm your receipt.

Lastly, do we have your approval to email all future correspondence from our office related to this claim to this email address?

Thank you,

Screenshot 2024-08-18 162507.jpg



From: **Andrew Simpson** <[REDACTED]>
Date: Fri, May 16, 2025 at 1:58 PM
To: Shannon Keele <shannon.keele@arkansasag.gov>
Cc: Sean Rowland <sean.rowland@arkansasag.gov>

Yes, I accept this agreement.
Thanks Andrew Simpson

--
Thank you,
Germaine Adams
Andrew's Bayou Ribs
[REDACTED]

--
Thank you,
Germaine Adams
Andrew's Bayou Ribs
[REDACTED]



TIM GRIFFIN
ATTORNEY GENERAL

Sean M. Rowland
Assistant Attorney General

Direct Dial: (501) 295-7486
Email: sean.rowland@arkansasag.gov

April 29, 2025

Andrew Simpson
[REDACTED]

Re: *Andrew Simpson v. Arkansas Court of Appeals*
Arkansas State Claims Commission Claim No. 251345

Dear Mr. Simpson:

Enclosed please find a copy of the Notice of Appearance, Motion to Dismiss, and Brief in Support filed with the Claims Commission in the above-referenced matter on today's date.

Sincerely,

A handwritten signature in blue ink that reads "Sean Rowland". The signature is fluid and cursive.

Sean Rowland
Assistant Attorney General

SR/sk
Enclosures

323 CENTER STREET, SUITE 200
LITTLE ROCK, ARKANSAS 72201

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

ANDREW SIMPSON

CLAIMANT

v.

CLAIM NO. 251345

ARKANSAS COURT OF APPEALS

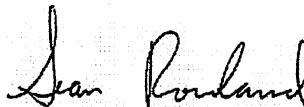
RESPONDENT

ENTRY OF APPEARANCE

Assistant Attorney General Sean M. Rowland respectfully submits his entry of appearance on behalf of Respondent, the Arkansas Court of Appeals. Complete contact information for the undersigned counsel is included in the signature block below.

Respectfully submitted,

TIM GRIFFIN
Attorney General



By: Sean M. Rowland, AR Bar 2024192
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 295-7486
Fax: (501) 682-2591
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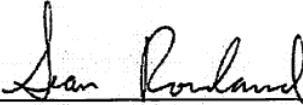
Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Sean M. Rowland, hereby certify that on April 29, 2025, I electronically filed the foregoing with the Arkansas State Claims Commission via ASCCPleadings@arkansas.gov and mailed the foregoing document by U.S. Postal Service to the following non-electronic filing participant:

Andrew Simpson




Sean M. Rowland

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

ANDREW SIMPSON

CLAIMANT

v.

CLAIM NO. 251345

ARKANSAS COURT OF APPEALS

RESPONDENT

MOTION TO DISMISS

COMES NOW Respondent, the Arkansas Court of Appeals, by and through its attorneys, Attorney General Tim Griffin and Assistant Attorney General Sean M. Rowland, and for its Motion to Dismiss, states:

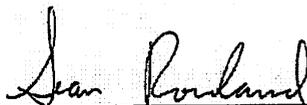
1. Claimant filed his Complaint with the Arkansas State Claims Commission on or about March 10, 2025.
2. Claimant alleges that Respondent violated Arkansas' Rules of Civil Procedure by denying his motion for relief from judgment in the Ashley County Circuit Court thereby violating his constitutional right to due process.
3. Claimant's allegations seek monetary relief.
4. Claimant's Complaint fails to sufficiently allege a cause of action as required under Arkansas' fact-pleading standard, and it should be dismissed under Arkansas Rule of Civil Procedure 12(b)(6).
5. Claimant's Complaint is also barred under absolute judicial immunity.
6. Therefore, Respondent's Motion to Dismiss should be granted, and Respondent is entitled to judgment as a matter of law.

7. Respondent has filed a brief in support contemporaneously with this Motion and incorporates said brief herein.

WHEREFORE, Respondent, the Arkansas Court of Appeals, prays that Respondent's Motion to Dismiss is granted, and that the Court grant any and all other just and proper relief to which it may be entitled.

Respectfully submitted,

TIM GRIFFIN
Attorney General



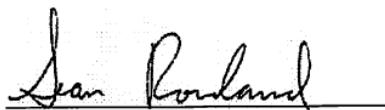
By: Sean M. Rowland, AR Bar 2024192
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 295-7486
Fax: (501) 682-2591
Email: sean.rowland@arkansasag.gov

Attorneys for Respondent

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Andrew Simpson



Sean M. Rowland

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

ANDREW SIMPSON

CLAIMANT

v.

CLAIM NO. 251345

ARKANSAS COURT OF APPEALS

RESPONDENT

RESPONDENT'S BRIEF IN SUPPORT OF MOTION TO DISMISS

Introduction and Background

On March 10, 2025, Claimant, Andrew Simpson, filed his Complaint against the Arkansas Court of Appeals with the Arkansas State Claims Commission. In the Complaint, Claimant alleges that on either July 19, 2023, or July 19, 2024, Respondent, the Arkansas Court of Appeals, “refused to follow Order issued by United States Western Arkansas District Judge Susan Hickey” thereby violating Claimant’s rights and causing him injury. Compl. at 1, 5–6. The Order from Judge Hickey in the Western District of Arkansas dictated that “further issues” of the case before her would be “resolved in Ashley County Circuit Court” in Arkansas. Compl. at 4–5. According to Claimant, Respondent’s violation of his rights caused him injury in “excess of 1 million dollars.” Compl. at 2.

Claimant’s action should be dismissed for two reasons. First, a challenge to a ruling of the Arkansas Court of Appeals from the exercise of their judicial function is barred by judicial immunity. Second, he fails to state a cognizable claim, even when liberally interpreting his complaint.

Legal Standard

Arkansas Claims Commission Rule 8.1 states, “The Rules of Civil Procedure as adopted by the Circuit Courts of the State of Arkansas will apply in the Arkansas Claims Commission unless the Rules of Practice and Procedure of the Arkansas State Claims Commission are to the contrary in which cases these rules shall take priority.” Arkansas Rule of Civil Procedure 12(b)(6) governs a failure to state a claim.

When asserting a claim, a complaint must state facts indicating that “the pleader is entitled to relief.” Ark. R. Civ. P. 8(a). But courts distinguish between facts and conclusions, requiring that “a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief.” *Branscumb v. Freeman*, 2009 Ark. App. 857, 3, 372 S.W.3d 843, 846. A motion to dismiss permits a defendant to challenge not only the “factual sufficiency of the complaint” but also the “legal sufficiency of the complaint, that is, whether the substantive law affords relief . . .” *Orr v. Calicott*, 832 S.W.2d 492, 493–94, 310 Ark. 11, 14 (1992). “The court will look to the underlying facts supporting an alleged cause of action to determine whether the matter has been sufficiently pled.” *Perry v. Baptist Health*, 358 Ark. 238, 242, 189 S.W.3d 54, 56 (2004). Accordingly, a complaint survives a motion to dismiss, under Rule 12(b)(6), only when the facts reveal a cognizable claim and the facts, if proven, would entitle the plaintiff to relief. *Arkansas State Claims Comm’n v. Duit Const. Co.*, 2014 Ark. 432, at 8, 445 S.W.3d 496, 502–03.

Argument

I. Claimant’s challenge to Respondent’s exercise of judicial action in its Formal Order is barred by judicial immunity.

Judicial immunity is absolute immunity from suit. *Blevins v. Hudson*, 2016 Ark. 150, at 4, 489 S.W.3d 165, 168. State court judges have judicial immunity for actions taken in the execution of their judicial duties. *Hall v. Jones*, 2015 Ark. 2, at 3, 453 S.W.3d 674, 676. A judge has a duty

“to decide all cases within the judge’s jurisdiction, including cases that evoke intense feelings in the litigants, and that the judge should not have to fear that dissatisfied persons will proceed against the judge with litigation.” *Id.* at 3, 453 S.W.3d at 676. The reasoning for judicial immunity is to “maintain an independent and impartial judiciary.” *Blevins*, 2016 Ark. at 5, 489 S.W.3d at 168. The two-part test for judicial immunity “requires that [the court] determine whether the judges named by appellant....had subject-matter jurisdiction to act on the pleadings that he filed...and whether the acts about which the appellant complains were judicial acts.” *Peterson v. Judges of Jefferson County Circuit Court*, 2014 Ark. 228, at 4.

To the extent Claimant alleges that the judges on the Arkansas Court of Appeals acted improperly in ruling on his proceedings before the court, the allegations are barred by judicial immunity. In *Peterson*, suit was brought against county judges for the alleged denial of rights and to collaterally attack the correctness of the rulings on the matters before the judges along with the decisions of the Arkansas Supreme Court in affirming those rulings on appeal. *Id.* at 3. The Arkansas Supreme Court held that it was “clear from the record that the petition is without merit, and it was barred as a matter of law” based upon judicial immunity. *Id.* at 3. The Arkansas Supreme Court supported its holding through its rationale that “[c]learly, the judges had subject-matter jurisdiction to hear the pleadings filed by appellant and to render a decision in their judicial capacities.” *Id.* at 4.

Applying the same analysis from *Peterson* results in a similar conclusion as to Claimant’s allegations. Here, Claimant alleges that the Arkansas Court of Appeals “refused to follow [the] Order issued by...Judge Susan Hickey.” Compl. at 5–6. Claimant included, as an exhibit to his Complaint, the Formal Order issued by the Arkansas Court of Appeals that appears to be at the center of his claim. Compl. at 20. In the Formal Order, the Arkansas Court of Appeals granted

Claimant's request to extend the time permitted to file his appellate brief and denied both his request to accelerate proceedings and his request to file for relief from judgment based upon fraud in the Ashley County Circuit Court. *Id.* However, the Arkansas Court of Appeals' rulings on Claimant's three motions fall well within the two-part test stated in *Peterson*. First, the court had subject-matter jurisdiction over Claimant's case in order to rule on his motions. Arkansas Supreme Court Rule 1-2(a) states that, "All cases appealed shall be filed in the Court of Appeals" except for an enumerated list of cases that "shall be filed in the Supreme Court." Claimant's appeal of his contract dispute does not fall within any of the enumerated instances where the appeal is required to be heard by the Arkansas Supreme Court. *See* Ark. Sup. Ct. R. 1-2(a).

Furthermore, the Arkansas Court of Appeals rendered its decision within its judicial capacity. The factors used to determine whether an act is judicial for purposes of judicial immunity are: "(a) the need to assure that the individual can perform his functions without harassment or intimidation; (b) the presence of safeguards that reduce the need for private-damages actions as a means of controlling unconstitutional conduct; (c) insulation from political influence; (d) the importance of precedent; (e) the adversary nature of the process; and (f) the correctability of error on appeal." *Blevins*, 2016 Ark. at 5, 489 S.W.3d at 168–69. Similar to *Blevins*, it is clear that there is a need for judges to be free from harassment and intimidation and insulated from political influence when they enter orders. Additionally, the court proceedings, including Claimant's motions, were part of an adversarial process where errors made by the Arkansas Court of Appeals could be corrected through an appeal. Given that the judges of the Arkansas Court of Appeals had subject-matter jurisdiction and acted within their judicial capacities, the Arkansas Court of Appeals is absolutely immune from Claimant's allegations.

II. If this Claims Commission finds that the Complaint is not barred by judicial immunity, the Complaint should be dismissed for a failure to plead sufficient facts showing that the Respondent committed any specific wrongdoing.

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Even considering the written instruments attached as exhibits to the Complaint, Claimant fails to state a claim upon which relief can be granted, and the Complaint should be dismissed under Ark. R. Civ. P. 12(b)(6). Claimant names the Arkansas Court of Appeals as the only Respondent in the instant action. Compl. at 1. Yet, the sole allegation provided in his Complaint summarily states that, “On July 19, 2024, Judge Robert Gibson (Ashley County Circuit Court), in concert with Judge Kenneth Hixson, (Arkansas Supreme Court of Appeals) refused to follow Order issued by United States Western Arkansas District Judge Susan Hickey (Exh. C p. 5,6).” Compl. at 5; Compl. at 5–6 (providing a different exhibit reference to pages seven through nine of Exhibit C).

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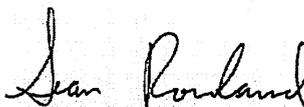
II.

Conclusion

For the reasons stated above, the Commission should dismiss the claim, because it does not allege facts that would entitle Claimant to any recovery.

Respectfully submitted,

TIM GRIFFIN
Attorney General



Page 7 of 9

By: Sean M. Rowland, AR Bar 2024192
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 295-7486
Fax: (501) 682-2591
Email: sean.rowland@arkansasag.gov

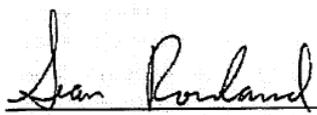
Attorneys for Respondent.

CERTIFICATE OF SERVICE

I, Sean M. Rowland, hereby certify that on April 29, 2025, I electronically filed the foregoing with the Arkansas State Claims Commission and served a copy of same via the U.S. Postal Service to the following person:

Andrew Simpson




Sean M. Rowland

Arkansas
State Claims Commission

JUN 09 2025

RECEIVED

IN THE ARKANSAS CLAIMS COMMISSION

Plaintiff: Andrew Simpson **Defendant:** Arkansas Court of Appeals **Issue:** Rebuttal to Defendant's Motion to Dismiss

PRELIMINARY STATEMENT

Plaintiff Andrew Simpson submits this rebuttal in response to the Arkansas Court of Appeals' Motion to Dismiss. Defendant's reliance on judicial immunity and failure to state a claim does not withstand scrutiny, as outlined below.

I. COUNTER-DEFENSE TO JUDICIAL IMMUNITY***A. The Court Acted Outside Its Judicial Capacity***

- a. **Improper Refusal to Follow a Binding Order** Judge Susan Hickey remanded the case to the Ashley County Circuit Court. The Arkansas Court of Appeals was not authorized to interfere with this process.
 - b. This refusal was administrative rather than judicial in nature, removing it from the scope of judicial immunity.
- 2. Failure to Exercise Traditional Judicial Functions**
 - a. A judge's immunity applies only to judicial acts.
 - b. Actions that undermine an enforceable court order constitute administrative misconduct, not protected judicial discretion.

B. Lack of Subject-Matter Jurisdiction

- 1. Defendant Lacked Authority Over the Case**
 - a. Judge Hickey's order remanded the case to a lower court, limiting the Arkansas Court of Appeals' jurisdiction.
 - b. Defendant's refusal to comply exceeded its jurisdictional bounds, voiding any claim to immunity.
- 2. Legal Precedents That Support Jurisdictional Limits**
 - a. Courts have ruled that immunity does not extend to decisions made beyond a judge's authorized jurisdiction (see **Rockett ex rel. K.R. v. Eighmy**, 8th Cir. 2023).

C. Violation of Constitutional Rights

1. Denial of Due Process

- a. Plaintiff has a constitutional right to a fair legal process.
- b. The Arkansas Court of Appeals' refusal to acknowledge Judge Hickey's ruling deprived Plaintiff of his procedural rights.

2. Immunity Does Not Cover Egregious Constitutional Violations

- a. If immunity is applied too broadly, it shields courts from accountability when constitutional violations occur.
- b. Courts have allowed challenges to immunity when fundamental rights were denied.

II. REBUTTAL TO FAILURE TO STATE A CLAIM

A. Specific Allegations Demonstrate Wrongdoing

1. The complaint clearly states that the Arkansas Court of Appeals **refused to comply with a valid court order**—this is sufficient to establish improper conduct.
2. Defendant argues that “no wrongdoing” is alleged, but the refusal to enforce a remand order **is, itself, a demonstrable harm**.

B. Connection Between Judge Hickey's Order and Defendant's Actions

- Judge Hickey's decision remanded the case to Ashley County Circuit Court.
- The Arkansas Court of Appeals **interfered with this process**, acting beyond its lawful role.
- The claim properly alleges **how Defendant obstructed due process**.

C. Harm and Injury Are Well-Documented

- Plaintiff has suffered financial, legal, and procedural harm as a result of Defendant's refusal to comply.
- The complaint seeks damages for **tangible harm**, including legal costs and delays.
- This directly contradicts Defendant's assertion that Plaintiff fails to establish injury.

D. Irrelevant Allegations Do Not Undermine the Claim

- Defendant argues that mentions of investigations and probate matters render the complaint irrelevant.
- However, the core issue—the refusal to follow an enforceable order—**stands independently** from other allegations.

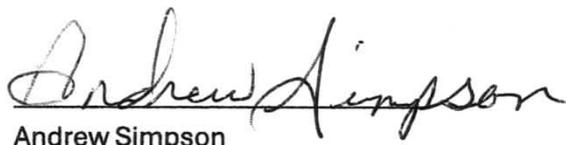
III. CONCLUSION

For the reasons outlined above:

1. **Judicial immunity does not protect Defendant** because its actions were outside its judicial capacity and jurisdiction.
2. **The complaint meets all legal standards** by alleging specific wrongdoing and demonstrating harm.

Accordingly, Plaintiff respectfully requests that the Motion to Dismiss be **denied**, allowing the case to proceed.

Respectfully Submitted,



Andrew Simpson

CERTIFICATE OF SERVICE

I, Andrew Simpson, do hereby certify that on the 9th day of June 2025, a true and correct copy of the foregoing "Rebuttal to Motion to Dismiss" to the Arkansas Claims Commission, was sent to the below named individuals by means of U.S. Postal Service to the below Address:

Sean M. Rowland, AR Bar 2024192

Assistant Attorney General

Arkansas Attorney General's Office

323 Center Street, Suite 200

Little Rock, AR 72201

Phone: (501) 295-7486

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ANDREW SIMPSON

CLAIMANT

V.

CLAIM NO. 251345

ARKANSAS COURT OF
APPEALS

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion filed by the Arkansas Court of Appeals (the “Respondent”) to dismiss the claim of Andrew Simpson (the “Claimant”). Based upon a review of claim file and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed this claim alleging that a judge on the Arkansas Court of Appeals refused to follow an order issued by a federal district court judge.

2. Respondent filed a motion to dismiss the claim, arguing that Claimant’s claim is barred by judicial immunity and subject to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6).

3. Claimant responded, arguing, *inter alia*, that Respondent acted outside of its judicial capacity and that Claimant provided specific allegations as to Respondent’s “refus[al] to comply with a valid court order.”

4. The Commission finds that Respondent is entitled to judicial immunity in this matter. *Blevins v. Hudson*, 2016 Ark. 150, 489 S.W.3d 165 (“Judicial immunity is absolute immunity from suit”). To the extent that Claimant believed that an order entered by Respondent to be in error, Claimant had an opportunity to challenge the order through an appeal. The Commission does not exist as an alternate avenue for appeal of decisions by Arkansas courts.

5. Alternatively, the Commission finds that Claimant’s claim should be dismissed for failure to state a claim. Claimant’s complaint includes documentation of a breach of contract

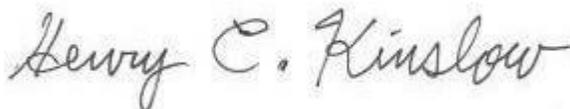
federal court lawsuit, an investigation by the Arkansas Game and Fish Commission, and a state probate case. Claimant's claim does not explain how any of these documents are related to his single allegation (as to Respondent) that one of Respondent's judges failed to follow an order by a federal district court judge. As such, even viewing the allegations in a light most favorable to Claimant under *Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999), the Commission finds that dismissal is proper under Ark. R. Civ. Proc. 12(b)(6).

6. As such, Respondent's motion is GRANTED, and Claimant's claim is DISMISSED.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, chair

DATE: August 7, 2025

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(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. § 25-44-211(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. § 25-44-215(b).

From: [Kathryn Irby](#)
To: [REDACTED] [Sean Rowland](#)
Cc: [Shannon Keele](#)
Bcc: [Mika Tucker](#)
Subject: ORDER: Simpson v. Ark. Ct. of Appeals, Claim No. 251345
Date: Wednesday, August 13, 2025 12:54:00 PM
Attachments: [C10--Simpson v. Ark. Ct of Appeals, 251345.pdf](#)

Mr. Simpson and Mr. Rowland:

Please see attached order entered by the Commission. To the extent that either party is in disagreement with the Commission's decision, please review Section 1 of the text box at the end of the order for the options at this point. Any future filings should be transmitted to ascpleadings@arkansas.gov with a copy to the opposing party.

Thanks,
Kathryn Irby

Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

From: [ASCC New Claims](#)
To: [REDACTED]
Subject: FW: ORDER: Simpson v. Ark. Ct. of Appeals, Claim No. 251345
Date: Monday, August 25, 2025 8:46:00 AM
Attachments: [C10--Simpson v. Ark. Ct of Appeals, 251345.pdf](#)

From: Kathryn Irby
Sent: Wednesday, August 13, 2025 12:54 PM
To: [REDACTED] Sean Rowland
<sean.rowland@arkansasag.gov>
Cc: Shannon Keele <shannon.keelee@arkansasag.gov>
Subject: ORDER: Simpson v. Ark. Ct. of Appeals, Claim No. 251345

Mr. Simpson and Mr. Rowland:

Please see attached order entered by the Commission. To the extent that either party is in disagreement with the Commission's decision, please review Section 1 of the text box at the end of the order for the options at this point. Any future filings should be transmitted to ascpleadings@arkansas.gov with a copy to the opposing party.

Thanks,
Kathryn Irby

Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

From: [ASCC New Claims](#)
To: [REDACTED]
Subject: FW: ORDER: Simpson v. Ark. Ct. of Appeals, Claim No. 251345
Date: Monday, August 25, 2025 8:48:00 AM
Attachments: [C10--Simpson v. Ark. Ct of Appeals, 251345.pdf](#)

From: ASCC New Claims
Sent: Monday, August 25, 2025 8:47 AM
To: [REDACTED]
Subject: FW: ORDER: Simpson v. Ark. Ct. of Appeals, Claim No. 251345

From: Kathryn Irby
Sent: Wednesday, August 13, 2025 12:54 PM
To: Andrew Simpson [REDACTED] Sean Rowland
<sean.rowland@arkansasag.gov>
Cc: Shannon Keele <shannon.keelee@arkansasag.gov>
Subject: ORDER: Simpson v. Ark. Ct. of Appeals, Claim No. 251345

Mr. Simpson and Mr. Rowland:

Please see attached order entered by the Commission. To the extent that either party is in disagreement with the Commission's decision, please review Section 1 of the text box at the end of the order for the options at this point. Any future filings should be transmitted to ascpleadings@arkansas.gov with a copy to the opposing party.

Thanks,
Kathryn Irby

Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

August 25, 2025

Andrew Simpson

RE: **Claim No. 251345**

Dear Mr. Simpson,

Per our conversation, I am providing a copy of the August 7, 2025, Order to you via mail.

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Sean Rowland, *counsel for Respondent, (w/o encl.) (via email)*

Enclosure

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ANDREW SIMPSON

CLAIMANT

V.

CLAIM NO. 251345

ARKANSAS COURT OF
APPEALS

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion filed by the Arkansas Court of Appeals (the “Respondent”) to dismiss the claim of Andrew Simpson (the “Claimant”). Based upon a review of claim file and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed this claim alleging that a judge on the Arkansas Court of Appeals refused to follow an order issued by a federal district court judge.
2. Respondent filed a motion to dismiss the claim, arguing that Claimant’s claim is barred by judicial immunity and subject to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6).
3. Claimant responded, arguing, *inter alia*, that Respondent acted outside of its judicial capacity and that Claimant provided specific allegations as to Respondent’s “refus[al] to comply with a valid court order.”
4. The Commission finds that Respondent is entitled to judicial immunity in this matter. *Blevins v. Hudson*, 2016 Ark. 150, 489 S.W.3d 165 (“Judicial immunity is absolute immunity from suit”). To the extent that Claimant believed that an order entered by Respondent to be in error, Claimant had an opportunity to challenge the order through an appeal. The Commission does not exist as an alternate avenue for appeal of decisions by Arkansas courts.
5. Alternatively, the Commission finds that Claimant’s claim should be dismissed for failure to state a claim. Claimant’s complaint includes documentation of a breach of contract

federal court lawsuit, an investigation by the Arkansas Game and Fish Commission, and a state probate case. Claimant's claim does not explain how any of these documents are related to his single allegation (as to Respondent) that one of Respondent's judges failed to follow an order by a federal district court judge. As such, even viewing the allegations in a light most favorable to Claimant under *Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999), the Commission finds that dismissal is proper under Ark. R. Civ. Proc. 12(b)(6).

6. As such, Respondent's motion is GRANTED, and Claimant's claim is DISMISSED.

IT IS SO ORDERED.

Jessica D. Holcomb

ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb

Henry C. Kinslow

ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow

Paul Morris

ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, chair

DATE: August 7, 2025

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(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. § 25-44-211(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. § 25-44-215(b).

From: [Sean Rowland](#)
To: [ASCC New Claims](#); [Shannon Keele](#)
Cc: [Kathryn Irby](#)
Subject: Re: Simpson v. Ark. Ct. of Appeals, Claim No. 251345
Date: Monday, August 25, 2025 4:50:34 PM
Attachments: [image.png](#)

Received, and thank you!

Sean

Sean M. Rowland
Assistant Attorney General – Civil Litigation Division

Office of Attorney General Tim Griffin
Office: (501) 295-7486
101 West Capitol Avenue | Little Rock, Arkansas 72201
Email: sean.rowland@arkansasag.gov



From: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Sent: Monday, August 25, 2025 3:19 PM
To: Sean Rowland <sean.rowland@arkansasag.gov>; Shannon Keele <shannon.keele@arkansasag.gov>
Cc: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: Simpson v. Ark. Ct. of Appeals, Claim No. 251345

Dear Mr. Rowland and Mr. Keele,

Please see the attached order mailed to Mr. Simpson per his request today.

Thank you,
Caitlin

Caitlin McDaniel
Administrative Specialist II
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

From: [SaBreana Hyche](#)
To: [ASCC Pleadings](#)
Subject: FW: Please file Motion For Reconsideration and return Stamped Copy
Date: Tuesday, September 16, 2025 9:28:24 AM
Attachments: [Scan_20250916.pdf](#)

From: Andrew Simpson [REDACTED]
Sent: Tuesday, September 16, 2025 9:23 AM
To: SaBreana Hyche <SaBreana.Hyche@arkansas.gov>
Subject: Please file Motion For Reconsideration and return Stamped Copy

Andrew Simpson Claim No. 251345

--

Thank you,
Andrew Simpson

BEFORE THE ARKANSAS CLAIMS COMMISSION

ANDREW SIMPSON

APPELLANT

V.

CLAIM NO. 251345

ARKANSAS COURT OF APPEALS

RESPONDENT

MOTION FOR RECONSIDERATION

Plaintiff Andrew Simpson submits this Motion for Reconsideration in response to the Arkansas Claims Commission Order to dismiss case for failure to state a claim 12(b)(6), as outlined below.

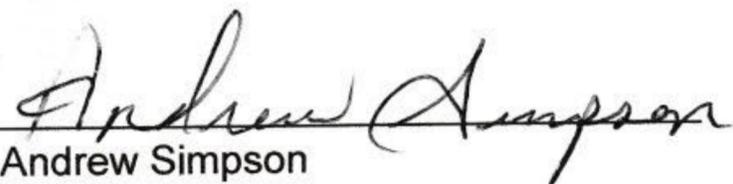
1. That, the Defendant argues that “no wrongdoing” is alleged,
2. That, the Arkansas Court of Appeals refused to enforce a remand order.
3. That, the Judges conduct clearly violated a Statutory or Constitutional right.
4. That, In the United States, a judge cannot violate a constitutional statute due to the Supremacy Clause of the Constitution and the principle of judicial review established. *Marburg V. Madison*.
5. That, itself, is demonstrable harm.
6. That, in error, the Commission found that Respondent is entitled to judicial immunity based on *Blevins v. Hudson*, 2016 Ark. 150, 489 S.W.3d 165’
7. That, Immunity does not cover egregious constitutional violations.
8. That, the principle that immunity does not extend to egregious constitutional violations is a fundamental component of the qualified immunity doctrine as interpreted and applied by the Courts.
9. That, this refusal was administrative rather than judicial in nature, removing it from the scope of judicial immunity.

The plaintiff, Andrew Simpson, requests reconsideration of a case dismissal, arguing the Arkansas Claims Commission error in granting judicial immunity to the respondent for administrative actions that allegedly violated constitutional and statutory rights.

These points underscore that the Commission's ruling misapplies immunity doctrines by blending judicial functions with administrative refusals, contrary to well-settled law. The clear distinction between administrative and judicial conduct is pivotal, as only the latter is typically shielded from liability under established jurisprudence.

Accordingly, the plaintiff respectfully requests the Commission to reconsider its dismissal, considering the constitutional gravity of the alleged violations and the proper scope of judicial immunity.

Respectfully Submitted,


Andrew Simpson

Cc: shannon.keelee@arkansasag.gov

Certificate of Service

I, Andrew Simpson do hereby certify that on the 16th day of September 2025, a true and correct copy of the forgoing Motion for Reconsideration to the Arkansas Claims Commission was sent to the below named individuals by means of U.S. Postal Service to the below Address:

Office of Arkansas Attorney General Tim Griffin
Bob R. Brooks Justice Building
101 West Capitol Ave.
Little Rock Arkansas, 72201

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

September 16, 2025

Mr. Andrew Simpson
[REDACTED]

RE: *Andrew Simpson v. Arkansas Court of Appeals*
Claim No. 251345

Dear Mr. Simpson,

As requested, please find enclosed file-marked copy of your September 16, 2025, filing. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: msscott

SEP 16 2025

RECEIVED

BEFORE THE ARKANSAS CLAIMS COMMISSION

ANDREW SIMPSON

APPELLANT

V.

CLAIM NO. 251345

ARKANSAS COURT OF APPEALS

RESPONDENT

MOTION FOR RECONSIDERATION

Plaintiff Andrew Simpson submits this Motion for Reconsideration in response to the Arkansas Claims Commission Order to dismiss case for failure to state a claim 12(b)(6), as outlined below.

1. That, the Defendant argues that "no wrongdoing" is alleged,
2. That, the Arkansas Court of Appeals refused to enforce a remand order.
3. That, the Judges conduct clearly violated a Statutory or Constitutional right.
4. That, In the United States, a judge cannot violate a constitutional statute due to the Supremacy Clause of the Constitution and the principle of judicial review established. *Marburg V. Madison*.
5. That, itself, is demonstrable harm.
6. That, in error, the Commission found that Respondent is entitled to judicial immunity based on *Blevins v. Hudson*, 2016 Ark. 150, 489 S.W.3d 165'
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8. That, the principle that immunity does not extend to egregious constitutional violations is a fundamental component of the qualified immunity doctrine as interpreted and applied by the Courts.
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The plaintiff, Andrew Simpson, requests reconsideration of a case dismissal, arguing the Arkansas Claims Commission error in granting judicial immunity to the respondent for administrative actions that allegedly violated constitutional and statutory rights.

These points underscore that the Commission's ruling misapplies immunity doctrines by blending judicial functions with administrative refusals, contrary to well-settled law. The clear distinction between administrative and judicial conduct is pivotal, as only the latter is typically shielded from liability under established jurisprudence.

Accordingly, the plaintiff respectfully requests the Commission to reconsider its dismissal, considering the constitutional gravity of the alleged violations and the proper scope of judicial immunity.

Respectfully Submitted,


Andrew Simpson

Cc: shannon.keelee@arkansasag.gov

Certificate of Service

I, Andrew Simpson do hereby certify that on the 16th day of September 2025, a true and correct copy of the forgoing Motion for Reconsideration to the Arkansas Claims Commission was sent to the below named individuals by means of U.S. Postal Service to the below Address:

Office of Arkansas Attorney General Tim Griffin
Bob R. Brooks Justice Building
101 West Capitol Ave.
Little Rock Arkansas, 72201

From: [Kathryn Irby](#)
To: [REDACTED]
Subject: RE: Please file Motion For Reconsideration and return Stamped Copy
Date: Wednesday, September 17, 2025 9:04:00 AM
Attachments: [Scan_20250916.pdf](#)

Mr. Simpson, a filemarked copy of your motion for reconsideration was placed in the mail yesterday. However, I can also confirm receipt of your motion on 9/16/2025.

If you need to electronically submit any future filings related to this claim, please send the filing(s) to ascpleadings@arkansas.gov. That will ensure the quickest confirmation of receipt.

Kathryn Irby

Kathryn Irby
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

From: Andrew Simpson <[REDACTED]>
Sent: Tuesday, September 16, 2025 9:23 AM
To: SaBreana Hyche <SaBreana.Hyche@arkansas.gov>
Subject: Please file Motion For Reconsideration and return Stamped Copy

Andrew Simpson Claim No. 251345

--

Thank you,
Andrew Simpson

From: [SaBreana Hyche](#)
To: [Kathryn Irby](#)
Subject: Return Call Request
Date: Friday, September 26, 2025 10:24:00 AM

Good morning,

Andrew Simpson would like for you to call him at [REDACTED]

SaBreana

[SaBreana J. Hyche](#)
Arkansas State Claims Commission
Administrative Analyst
101 East Capitol Ave., Suite 410
Little Rock, AR 72201
501-682-2819 (wk)
SaBreana.Hyche@arkansas.gov

From: [Sharnae Diggs](#)
To: [ASCC Pleadings](#)
Cc: [Ayanna Austin](#)
Subject: Andrew Simpson v. Arkansas Court of Appeals, Claim No. 251345
Date: Monday, November 10, 2025 11:32:58 AM
Attachments: [Outlook-4mxaouxy.png](#)
[11.10.25 MTN for Substitution of Counsel \(SD\).pdf](#)
[11.10.25 Simpson_NOA.pdf](#)

Dear ASCC Staff:

Please find the attached notice of appearance and motion to substitute counsel in the above-referenced case.

Best regards,
Sharnae

Sharnae Y. Diggs
Senior Assistant Attorney General – Civil Litigation Division
Office of Attorney General Tim Griffin
Bob R. Brooks Jr. Justice Building
101 West Capitol Avenue | Little Rock, Arkansas 72201
Office: (501) 682-1325 | Fax: (501) 682-2591
Email: sharnae.diggs@arkansasag.gov | ArkansasAG.gov



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**ANDREW SIMPLSON****CLAIMANT**

v.

CLAIM NO. 251345**ARKANSAS COURT OF APPEALS****RESPONDENT****MOTION FOR SUBSTITUTION OF COUNSEL**

Respondent Arkansas Court of Appeals, by and through its counsel, Attorney General Tim Griffin, and Senior Assistant Attorney General Sharnae Diggs, submits the following for consideration by the Commission:

1. Assistant Attorney General Sean Rowland left his employment with the Office of the Attorney General and will no longer be involved in this case.

2. This case has been reassigned to Senior Assistant Attorney General Sharnae Diggs, who now represents Respondent Arkansas Court of Appeals and should be substituted as counsel of record.

3. Respondent Arkansas Court of Appeals requests that the Commission and Claimant direct all future pleadings and correspondence to Senior Assistant Attorney General Sharnae Diggs at the Attorney General's Office.

WHEREFORE, Respondent Arkansas Court of Appeals respectfully requests that the Commission grant its Motion for Substitution of Counsel and that Sharnae Diggs be substituted as Respondent's counsel of record.

Respectfully submitted,

TIM GRIFFIN
Attorney General

By: Sharnae Diggs
Sharnae Diggs, Ark. Bar No. 2018130
Senior Assistant Attorney General
Office of the Attorney General
101 West Capitol Avenue
Little Rock, AR 72201
Phone: (501) 682-1325
Fax: (501) 682-2591
Email: sharnae.diggs@arkansasag.gov

Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Sharnae Diggs, hereby certify that on November 10, 2025, I electronically filed the foregoing with the Arkansas State Claims Commission via ASCCPleadings@arkansas.gov and mailed the foregoing document by U.S. Postal Service to the following non-electronic filing participant:

Andrew Simpson



/s/ Sharnae Diggs
Sharnae Diggs

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ANDREW SIMPLSON

CLAIMANT

v.

CLAIM NO. 251345

ARKANSAS COURT OF APPEALS

RESPONDENT

NOTICE OF APPEARANCE

Senior Assistant Attorney General Sharnae Diggs hereby enters her appearance as counsel for Respondent, the Arkansas Court of Appeals, and requests that all future service and correspondence be sent accordingly. I hereby certify that I am admitted to practice before this Commission.

Respectfully submitted,

TIM GRIFFIN
Attorney General

By:



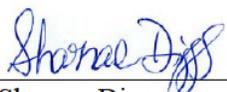
 Sharnae Diggs
 Arkansas Bar No. 2018130
 Senior Assistant Attorney General
 Arkansas Attorney General's Office
 101 West Capitol Avenue
 Little Rock, AR 72201
 501.682.1325 phone
 501.682.2591 fax
 sharnae.diggs@arkansasag.gov
Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Sharnae Diggs, hereby certify that on November 10, 2025, I electronically filed the foregoing with the Arkansas State Claims Commission via ASCCpleadings@arkansas.gov and mailed the foregoing document by U.S. Postal Service to the following non-electronic filing participant:

Andrew Simpson





Sharnae Diggs

From: [Sharnae Diggs](#)
To: [ASCC Pleadings](#)
Cc: [Ayanna Austin](#)
Subject: Re: Andrew Simpson v. Arkansas Court of Appeals, Claim No. 251345
Date: Wednesday, November 12, 2025 8:50:25 AM
Attachments: [image001.png](#)
[Outlook-fqv3joaha.png](#)

Thank you for the confirmation.

Best regards,
Sharnae

Sharnae Y. Diggs
 Senior Assistant Attorney General – Civil Litigation Division
Office of Attorney General Tim Griffin
 Bob R. Brooks Jr. Justice Building
 101 West Capitol Avenue | Little Rock, Arkansas 72201
 Office: (501) 682-1325 | Fax: (501) 682-2591
 Email: sharnae.diggs@arkansasag.gov | ArkansasAG.gov



From: Misty Scott <Misty.Scott@arkansas.gov> on behalf of ASCC Pleadings <ASCCPleadings@arkansas.gov>
Sent: Monday, November 10, 2025 3:46 PM
To: Sharnae Diggs <sharnae.diggs@arkansasag.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Ayanna Austin <ayanna.austin@arkansasag.gov>
Subject: RE: Andrew Simpson v. Arkansas Court of Appeals, Claim No. 251345

Received.

From: Sharnae Diggs <sharnae.diggs@arkansasag.gov>
Sent: Monday, November 10, 2025 11:33 AM
To: ASCC Pleadings <ascccpleadings@arkansas.gov>
Cc: Ayanna Austin <ayanna.austin@arkansasag.gov>
Subject: Andrew Simpson v. Arkansas Court of Appeals, Claim No. 251345

Dear ASCC Staff:

Please find the attached notice of appearance and motion to substitute counsel in the

above-referenced case.

Best regards,
Sharnae

Sharnae Y. Diggs
Senior Assistant Attorney General – Civil Litigation Division
Office of Attorney General Tim Griffin
Bob R. Brooks Jr. Justice Building
101 West Capitol Avenue | Little Rock, Arkansas 72201
Office: (501) 682-1325 | Fax: (501) 682-2591
Email: sharnae.diggs@arkansasag.gov | ArkansasAG.gov



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ANDREW SIMPSON

CLAIMANT

V.

CLAIM NO. 251345

ARKANSAS COURT OF
APPEALS

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion filed by Andrew Simpson (the “Claimant”) seeking reconsideration of the Commission’s August 7, 2025, order granting the motion to dismiss filed by the Arkansas Court of Appeals (the “Respondent”). Based upon a review of the motion, the claim file, and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed this claim alleging that an Arkansas Court of Appeals judge refused to follow an order issued by a federal district court judge.

2. Respondent filed a motion to dismiss, arguing, *inter alia*, that Claimant’s claim is barred by judicial immunity and subject to dismissal pursuant to Ark. R. Civ. Proc. 12(b)(6). In the Commission’s August 7, 2025, order, the Commission agreed that dismissal was proper based upon judicial immunity and Claimant’s failure to state facts upon which relief can be granted.

3. Claimant then filed a motion for reconsideration, alleging constitutional violations on the part of Respondent and stating that Respondent does not have immunity for constitutional violations.

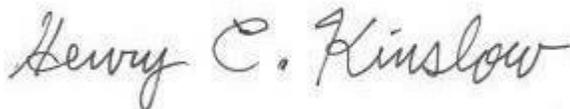
4. Rule 7.1 of the Commission Rules and Regulations states that motions for reconsideration “will only be entertained if they set forth new or additional evidence which was not [previously] available”

5. The Commission finds that Claimant has not stated grounds under Commission Rule 7.1 warranting reconsideration. The Commission further notes that, to the extent Claimant has a constitutional claim against one or more of Respondent's judges, that claim is not within the jurisdiction of the Commission because such claims can be brought in a court of general jurisdiction. Ark. Code Ann. § 25-44-204. As such, the Commission finds that Claimant's motion for reconsideration should be DENIED and that the Commission's August 7, 2025, decision remains in effect.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: December 4, 2025

Notices which may apply to this claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(a)(3).
- (2) If a Claimant is awarded \$15,000.00 or less by the Commission at hearing, that award is held forty (40) days from the date of disposition before payment will be processed to allow either party to utilize its remedies under Ark. Code Ann. § 25-44-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of more than \$15,000.00 are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 25-44-215(b).

From: [Kathryn Irby](#)
To: [Sharnae Diggs](#); [Ayanna Austin](#)
Bcc: [Mika Tucker](#)
Subject: ORDER: Simspson v. Ark. Ct. Appeals, Claim No. 251345
Date: Friday, December 12, 2025 9:18:00 AM
Attachments: [Simpson v. Ark. Ct. Appeals, 251345 -- order ltr.pdf](#)
[C30--Simpson v. ACA, 251345.pdf](#)

Ms. Diggs, please see attached.

Thanks,
Kathryn Irby

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, 2025

Mr. Andrew Simpson
[REDACTED]
[REDACTED]

Ms. Sharnae Diggs
Arkansas Attorney General's Office
101 West Capitol Avenue
Little Rock, Arkansas 72201

(via email)

RE: ***Andrew Simpson v. Arkansas Court of Appeals***
Claim No. 251345

Dear Mr. Simpson and Ms. Diggs:

Enclosed please find an Order entered by the Commission. To the extent that either party disagrees with the Commission's decision, please review Section 1 of the text box at the end of the order for the options at this point. Please note that any future filings may be submitted to the Commission electronically by sending to ascpleadings@arkansas.gov or via mail, with a copy to the opposing party.

Sincerely,

Kathryn Irby

ES: kmirby

From: [SaBreana Hyche](#)
To: [Kathryn Irby](#)
Subject: RE: please mail today -- SimpsonFW: ORDER: Simpson v. Ark. Ct. Appeals, Claim No. 251345
Date: Friday, December 12, 2025 10:14:00 AM

Completed

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Friday, December 12, 2025 9:20 AM
To: SaBreana Hyche <SaBreana.Hyche@arkansas.gov>
Subject: please mail today -- SimpsonFW: ORDER: Simpson v. Ark. Ct. Appeals, Claim No. 251345

SaBreana, please doublecheck CI's address, mail the two attachments to him, and upload confirmation of mailing to the database. Thanks.

From: [Sharnae Diggs](#)
To: [Kathryn Irby](#); [Ayanna Austin](#)
Subject: Re: ORDER: Simspson v. Ark. Ct. Appeals, Claim No. 251345
Date: Friday, December 12, 2025 10:00:22 AM
Attachments: [Outlook-zbcwtdhn.png](#)

Thank you, Dir. Irby.

Best regards,
Sharnae

Sharnae Y. Diggs

Senior Assistant Attorney General – Civil Litigation Division

Office of Attorney General Tim Griffin

Bob R. Brooks Jr. Justice Building

101 West Capitol Avenue | Little Rock, Arkansas 72201

Office: (501) 682-1325 | Fax: (501) 682-2591

Email: sharnae.diggs@arkansasag.gov | ArkansasAG.gov



From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Friday, December 12, 2025 9:18 AM
To: Sharnae Diggs <sharnae.diggs@arkansasag.gov>; Ayanna Austin <ayanna.austin@arkansasag.gov>
Subject: ORDER: Simspson v. Ark. Ct. Appeals, Claim No. 251345

Ms. Diggs, please see attached.

Thanks,
Kathryn Irby

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

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [REDACTED]
Cc: [ASCC Pleadings](#)
Subject: FW: ORDER: Simpson v. Ark. Ct. Appeals, Claim No. 251345
Date: Wednesday, December 31, 2025 8:51:00 AM
Attachments: [Simpson v. Ark. Ct. Appeals, 251345 -- order ltr.pdf](#)
[C30--Simpson v. ACA, 251345.pdf](#)

From: Kathryn Irby
Sent: Friday, December 12, 2025 9:19 AM
To: Sharnae Diggs <sharnae.diggs@arkansasag.gov>; Ayanna Austin <ayanna.austin@arkansasag.gov>
Subject: ORDER: Simpson v. Ark. Ct. Appeals, Claim No. 251345

Ms. Diggs, please see attached.

Thanks,
Kathryn Irby

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

From: [REDACTED]
To: [ASCC Pleadings](#)
Subject: Re: FW: ORDER: Simspson v. Ark. Ct. Appeals, Claim No. 251345
Date: Thursday, January 1, 2026 11:33:04 PM
Attachments: [memo acc.docx](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

Good evening Ms. Irby,
I would like this email to serve as Notice of Appeal to the Arkansas General Assembly from Order issued on December 12, 2025 by Arkansas State Claims Commission in Claim No. 251345, *Andrew Simpson v. Arkansas Court of Appeals*

On Wed, Dec 31, 2025 at 6:51 AM ASCC Pleadings <ASCCPleadings@arkansas.gov> wrote:

From: Kathryn Irby
Sent: Friday, December 12, 2025 9:19 AM
To: Sharnae Diggs <sharnae.diggs@arkansasag.gov>; Ayanna Austin <ayanna.austin@arkansasag.gov>
Subject: ORDER: Simspson v. Ark. Ct. Appeals, Claim No. 251345

Ms. Diggs, please see attached.

Thanks,

Kathryn Irby

Kathryn Irby

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-2822

--
Thank you
Andrew Simpson
Andrew's Bayou Ribs


Legal Memorandum

Re: Motion to Amend Complaint to Include Conspiracy Claim – Estate of David Simpson

Background

The Arkansas Game and Fish Commission initiated an allegedly illegal investigation by issuing false citations on June 24, 2023, leading to multiple legal proceedings involving the estate of David Simpson.

Andrew Simpson was appointed and later discharged as Administrator for the Estate.

Petitions to reopen the Estate and motions for reconsideration were denied by the court and the Arkansas Claim Commission

Plaintiff seeks to amend the complaint to add a conspiracy claim based on newly discovered facts.

Legal Issues & Citations

Amendment of Complaint:

Arkansas Rule of Civil Procedure 15(a) – Leave to amend should be freely given when justice requires.

Relief from Judgment:

Arkansas Supreme Court Rule 60(c)(4) – Permits vacating or modifying judgments for fraud or misrepresentation.

Federal Civil Rights:

42 U.S.C. § 1983 – Provides a remedy for deprivation of rights under color of law.

Analysis

The facts support a coordinated effort by defendants and officials to obstruct Plaintiff's rights, including issuing false citations and interfering with estate administration.

Jurisdictional barriers and exhaustion of remedies in state forums may require federal action if constitutional rights are implicated. The procedural history

demonstrates that the estate of David Simpson is legally closed, with all petitions to reopen and motions for reconsideration denied by both the circuit court and the Arkansas Claim Commission. The Plaintiff, Andrew Simpson, has exhausted available remedies in these forums, and further action in the same court is barred unless new, substantial evidence emerges.

The motion to amend the complaint is supported by newly discovered facts indicating a coordinated scheme involving the Arkansas Game and Fish Commission and other parties, resulting in fraudulent proceedings and deprivation of property rights. Arkansas Rule of Civil Procedure 15(a) provides that leave to amend should be freely given when justice so requires, and the circumstances here warrant such relief.

Jurisdictional limitations set by the Arkansas Claim Commission clarify that claims involving fraud or complex estate matters must be brought before a court of general jurisdiction. The denial of relief under Arkansas Supreme Court Rule 60(c)(4) further underscores the procedural barriers faced by Plaintiff, as this rule is specifically designed to address misrepresentation or fraud by an adverse party.

Given the exhaustion of state remedies and the assertion of constitutional violations, Plaintiff may consider pursuing federal remedies under 42 U.S.C. § 1983, which provides a civil cause of action for deprivation of rights under color of law. Such federal actions require substantial legal grounds and careful consideration of the facts and procedural history.

Conclusion

In summary, Plaintiff's motion to amend is both procedurally and substantively supported by the record and applicable law. The estate proceedings are closed at the state level, but Plaintiff retains the option to seek further relief in federal court if constitutional rights have been infringed. The court should grant leave to amend the complaint to ensure all claims arising from the facts are properly adjudicated.

Andrew Simpson